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THE
LONDON TRADESMAN;

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FAMILIAR TREATISE

ON THE

Rationale of Trade and Commerce,

423 f
AS CARRIED ON IN THE

METROPOLIS OF THE BRITISH EMPIRE:

SHEWING

I. THE RIGHT PRACTICE OF TRADE, AS PURSUED BY THE MOST
INTELLIGENT TRADERS OF EVERY DENOMINATION,

IN WHICH

ITS BEST INTERESTS ARE CONSIDERED AND ENFORCED:

II. THE MALPRACTICES OF THE UNWORTHY PART OF THE COM-
MUNITY, WHEREIN THE ANTIDOTE OR REMEDY IN
EVERY CASE IS POINTED OUT.

Illustrated by Facts—Examples, Law-Cases, and Anecdotes.

BY SEVERAL TRADESMEN.

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INTRODUCTION.

PREFACE.

THIS book, which contains the united information of many individuals among several distinct classes of Tradesmen, has undergone a good deal of alteration while at press—it is conceived, for the better; and the manner in which it now appears before the publick, is rather that of *an abridgment* of a larger work, than the usual book-making expansion of the subject, into every possible ramification to which its views might be extended. In effecting this abridgment, the arguments have been compressed, too closely at times, by whole pages into a single paragraph, in which every word must be weighed to be understood; at other times entire passages have been permitted to retain their original verbiage, not through indolence, or the dread of pruning, but because the sense might suffer from too much castigation; an offence that occurs seldom,—for the rationale of Trade cannot be always rendered sententious. With how much skill this discretion has been used, others may determine: those can best feel it, through whose hands the several parts of the manuscript have passed, all asking for correction and requesting amendment.

From the very commencement of our labours, it was far from our intention to enter into an *elaborate*

inquiry respecting the qualifications and pursuits necessary to form a good Tradesman, or to treat *at large* of such requisites thereto as are well known to every one—generally speaking. Nor did we entertain the vain hope, that any industry which could be applied to the investigation, would ever put us in possession of all the information that might be desirable or necessary for a Tradesman to become acquainted with, for his rule and guidance: for a very small portion of human knowledge and intelligence falls to the lot of any one man. Out of the matters of fact communicatd by many, individually, the Inquirer, standing as upon an eminence, makes deductions and draws his conclusions; he applies what is new to the correction of old systems, and the result of his investigation forms the philosophy of Trade—or of any other matter.

But still, in exploring the best and safest paths, no faithful guide would neglect to point out the beaten track, to those who are to travel onward by themselves. He would be equally derelict of his duty, who should fail to notice the dangers and pitfalls that lie abundantly strewed in the highway of the journey through life.

Such has been our task: while speaking of things generally, we have supported our arguments with particular facts, and drawn conclusions from the combination of these with our own observations and experience.

If there is one danger greater than another attendant upon Trade, it is the spirit of litigation. We have not been sparing of cautions and examples on this head; and one-fifth of our work devoted to the

INTRODUCTION.

subject, and its consequences, bears witness to the stress we lay upon its importance. Let us hope the Reader will do no less. The *right use* of law, is the hinge upon which turns the prosperity or adversity of almost every Trading concern of any magnitude in this kingdom, more especially that of the large inland Traders—called *wholesale*. But, it is the disposition of all persons of every degree, and in all countries, who thrive by Trade, to become overbearing! [the *truth* is out.] These seek to controul their neighbours; some few by force of arms, but the generality by the force of law. Old men mostly fall into this unamiable way of acting: with young men it becomes a vice when they are devoured by the same disposition. Accordingly, we address ourselves chiefly to *young men*; to the utter neglect of the old and incorrigibly litigious, or otherwise opinionated persons, unless these are more pointedly alluded to. Not only does this exclusion hold good in our *third* chapter, but throughout every other; for scarcely is there a rule of life set down, or a practice in Trade adverted to, a fact adduced, or a suggestion ventured upon, that some one or other among those cotemporaries of our early years is not aware of, as much as ourselves; and hence he comes to the conclusion (with the help of his *opinionatreté*) that “he knows as much about Trade as any body can tell him.” Vide Mr. M——’s polite *note* to the Editor.

2. Could it be possible, that a young man, on his first entrance upon business, brought into it as much knowledge of the world, of its wicked ways and quicksands, and its pitfalls as those of long-

standing, he would evidently possess considerable advantages over them ; and much more over the raw, inexperienced Tradesmen, we every day see springing up in the world, with more glitter and noise than solidity, or evidence of lastingness. Such young Tradesmen as these, waste a large proportion of their capital, or involve themselves in debt, while they are acquiring the rudiments of self-preservation, and learning the means to be adopted for detecting and repelling the subtleties of the more knowing and less honest part of the community, who abound in these times more than ever. These prey upon the unsuspecting, upright Tradesman, whom it is our intention to put upon his guard, by making public their practices and arts : then, even the defeat of one piece of knavery, or the detection of a single attempt upon his property, would amply repay him for the labour of perusing the following pages, which contain the results of long and arduous experience, and the deductions of a close and active intercourse with men and books.

But we calculate upon much greater advantages than these, from the careful perusal of our Work : otherwise, our hopes and calculations upon it have been raised too high, and we have laboured in vain.

INTRODUCTION : DEFINITION.

3. We would not unnecessarily tire with definitions, or vex the reader with formal statements of the view we take of particular parts of our subject ; but since the very basis and ground-work of our labours trend upon the meaning of " Tradesman," we do not

hesitate about giving, in a *note* * below, a *definition* of the word.

* By *TRADESMAN*, or *Trader*, we would be understood to mean all such as come within its most extensive sense, those who are comprehended under the Bankrupt Laws, as “*Traders, dealers, and chapmen.*” But more strictly defined, undoubtedly the word “*Tradesman*” would convey to us the idea of such only as bought and sold the manufactures and produce of others: thus, the selling a pair of boots, or a pound of sugar, is *Trade*, and the seller is a *Tradesman*; but he who sits in a garret to manufacture the first, as well as those who import the second, are not, in the contracted use of the word, *Tradesmen*: the one is a mechanic, the other a merchant.

Tradesman is understood by various people, and in various places, in a very different manner. For example, in the North of Britain, as well as in Ireland, when you speak of a *Tradesman*, you are apprehended to mean a mechanic, such as a *smith*, a *carpenter*, a *bricklayer*, and the like, whom we here call *handicraftsmen*; and *the vulgar* in London, and other southern parts, follow the same error, which seldom attaches to the better informed. In like manner, abroad, they call by the title *Tradesman*, such only as carry goods about from town to town, or from house to house, to sell;* being such people as we in England term *petty-chapmen*, in the north *packmen*, and in our ordinary parlance they are denominated *hawkers* and *pedlars*, as well as by an act of parliament, which imposes a tax upon them.

But in London, and all the southern part of Great Britain, we take it in quite another sense. In general, all sorts of warehouse-keepers and shop-keepers are called *Tradesmen*, (more properly it might be *Trading-men*;) such are, whether wholesale or retail, grocers, mercers, linen-draper, woollen-draper, tobacconists, haberdashers, glovers, hosiers, milliners, booksellers, corn-chandlers, druggists, stationers, and all other shop-keepers who do not

* British manufactured goods find constant sale in this way, from the banks of the Rhine to those of the Wolga, and the sources of the Don. The purchases are made *in gros*, at the half-yearly fairs of Frankfort and Leipsic; and large depots are kept in all the great towns of Germany, Poland, Lithuania, Bohemia, Hungary, Russia, and on the frontiers of Turkey.

INTRODUCTION: APPRENTICESHIP.

4. We will in the first place, suppose a young man has been placed by his friends to a Trade or calling to which his bodily strength is fully adequate: nothing in this respect ought to be submitted to his own will, seeing most boys in these times are too much wedded to *home*; so that, if the choice were left entirely to their own decision, they would come to none, but vacillate between two or more Trades, the result of which must be a nullity, and a return to the scenes of their childhood, which by our natures are ever attractive. Indolent, overgrown young men, are most liable to fall into this untoward propensity to hang about home, though they have so much less to being dread pushed about in the busy world than the less hardy, puny offspring, of large families. The instinct of the barn-door fowl is a lesson to parents in this respect: the largest chicken pecks its corn nearest the hen, and receives the most determined chastisement when she beats off her young.

Seldom does it happen that young men choose well for themselves; there is something very wayward in the prompt decision of many, which, upon enquiry, will be found to rest upon whim, or the caprice of opposition to the opinions of parents or guardians, whose restraining authority sits more heavily as the youth advances towards manhood. His reasons for adopting a given Trade, should be sifted *indirectly*, and if well founded, should be complied with; but it not unfrequently happens that some adventitious cir-

simply work upon, or merely manufacture, the goods in which they deal, but sell them in the same state (or nearly so) as when they are bought.

Those in particular, and others, generally, by whatever peculiar circumstances distinguished, are the class understood by the word *Tradesmen*, in this work; to whose service, and for whose use, these sheets are made public.

cumstance sways his mind to the most objectionable calling that an ill-directed choice could possibly have chalked out for him. As one proof hereof, which we could augment to a hundred, take that of the son of Mr. K——y, (a gentleman once holding a distinguished post in the city) who being placed out to a Trade, at which the assistants, apprentices, and masters, worked to a late hour of the night, he became enamoured of the *butcher* Trade! one of whom lived next door. His father indulged this *whim*; and many years after, when the information came too late, *we* found that it arose from no other earthly reason, than that the butcher's apprentices did not work at late hours, but enjoyed themselves on long evenings in playing the German-flute, &c. Need the reader be told he did not succeed well with his capricious choice? For, no other of his Trade, like that butcher, allowed apprentices such instruments of recreation. Here we see, that he should have had no second choice; at least not without assigning a *good* reason, which would not be found in the negative one of his first master's extremely late hours—which we can here pronounce (from the result) injudicious in itself, and seldom successful.

Here we must be allowed to notice another whimsical choice, not very dissimilar to the last. This is of a boy, the son of respectable parents (at Leeds) preferring to be a chimney-sweep, when he might have followed his father's Trade,—that of a draper, if we recollect rightly. The occurrence is of about twenty-seven years standing.

But, when we have said boys' opinions are not to be previously consulted, nor their caprices gratified, we are far from maintaining that their tastes, and the bent and inclination of their juvenile minds should be neglected, in taking a step so important to the future welfare of the youth, as his occupation or Trade through life must be. This forms the bias of his mind, and sways his conduct, to the end of his days; for how unhappy must that man be who is in the constant habit of exercising an uncongenial calling? With what glee do not some men carry on *apparently disagreeable* Trades, when their ideas and feelings are adapted thereto!

An undertaker, our neighbour, has always some lively remarks to make when his assistance is required ; and so well is this unamiable disposition known among his friends, that they enquire of each other what Hisco has said upon every new recurrence of the melancholy occasion that brings him custom. He is particularly *happy* when a fond mother loses her darling child, especially if it be her first and only one ! God help us while recording the fact ! Compared to him, an angel is Lawyer Corrin, who enjoys with fits of laughter the writhings of a ruined defendant, and treats with cool apathy the reproaches of his own client—the plaintiff in the same cause,—as is the serjeant at mace, who prefers making a caption “while defendant lay snug in bed,” as he expresses himself, and boasts of his brutality.

No doubt, whatever way of life we are thrown upon, the most advisable step is to adapt our minds thereto with firmness ; but then, let it be always accompanied by propriety of conduct, not insulting to, or injuring those, with whom, or against whom, it is our destiny to act, in the discharge of a painful duty, by rivalry in Trade, or being otherwise opposed to, the weak, the needy, or the unfortunate.

Let parents, in the choice of a calling, act firmly up to, and inculcate those principles in the choice of a Trade for their offspring, and a young man can not have been placed amiss in the calling so chosen for him, and which it now becomes his duty to fulfil properly, and to follow to the end of his days. With a very small attention being paid to his childish pursuits, and remarks upon matters and things, to his early likes and dislikes of persons and occupations, a parent may betimes discern what Trades may more probably be adapted to them ; or be enabled to judge accurately enough what others cannot possibly suit the temper, disposition, or genius of the youth. In this manner the bent and inclination of his mind may be consulted to advantage, without asking pointed questions upon the subject, and a parent or guardian cannot well make a bad choice. Whatever course of investigation is set on foot, care should be taken by the parent in the progress of it, not to evince too much over-

weening attention to his whims and caprices, though all the while the inclinations of the youth are only to be come at through them ; nor in the ultimate settlement of the terms of apprenticeship ought the boy to be present when stipulations are made for his comforts and conveniencies, notwithstanding we administer to both with the most sedulous affection. Those boys of ours, (and they have been many,) ever turned out the best men, who had some difficulties to struggle with ; when, having surmounted them, they felt their own strength, as they rose in usefulness and importance. Lastly, no one in his senses would require a boy of slender make to work at a Trade which demands great muscular strength, nor apprentice an overgrown fellow to a tailor, or a retailer of small wares.

We have gone a little out of the way of our prescribed task, in this preliminary, from the impression we have, in common with a great number of others, of the extreme importance of a judicious decision in this particular.

ACQUIREMENTS,—MENTAL AND COMMERCIAL.

5. Having chosen his Trade or calling, and by using due diligence, made some progress towards a perfect acquaintance with it, the apprentice has next a *mind* to form. For, in the majority of cases, parents and guardians, when the youth is placed out, imagine the groundwork education he has received, constitutes the basis upon which he himself is now capable of raising a superstructure. And they think justly : he must *think*, and reason upon, and draw conclusions, as to every thing that is passing around ; which he may do, without its interfering in the least with his necessary avocations and bounden duty ; for abstract notions or ideas are no load to carry about him, no let or hindrance to his master's business, but have the superior recommendation of assisting him in more adroitly managing some difficulties which may now be fairly supposed will fall to his share to settle, as his term of servitude creeps on. He may also reckon, that those acquisitions of knowledge, will stand him in

good stead when he hereafter acts on his own account, in maintaining himself during those collisions of interest, or of opinions, to which he will by all these indications, perceive he must at no distant day be exposed. Indeed, we may say, there is no situation into which he may be thrown, no occurrence can pass under his eyes, that is not deserving of reflection, and the majority worthy of being noted in his pocket-book.

6. Philosophers, as well as mere common-sense men, have stoutly maintained, that *mind*, as well as memory and the right cogitation of ideas, is capable of being formed, modelled, expanded or refined, by management, use or education. We pre-suppose there has been laid a good foundation or ground-work of education to go upon; we also perceive the proposition itself as here set down, requires a good portion of sober consideration. The young man, as he advances towards the completion of his term of servitude, will find his leisure moments, or the hours of relaxation that intervene between those of working application to his business, increase, by economising those which are devoted by some to pleasure, by others to sauntering about the premises, or in the streets, and worse than all, to laying in bed. In few words, he must seize every vacant minute that offers for reading, and embrace every opportunity thus obtained, for informing his mind, and increasing his stock of intellect.

Our young man must not neglect to keep in mind, and act upon the recommendations we have given, in their fullest signification; never relaxing for a moment the making fresh acquisitions of knowledge, under the too frequently mistaken notion, that he already knows enough for his purpose, or for all the purposes to which he may be called. But we will tell him, it is not sufficient that he is a good judge of the goods in which he deals; that is, of their qualities, prices, markets, and vents; the progress of general information is such, that these are but as a little speck of the knowledge he ought to possess upon the subject, unless he means to appear like a fool in the world,—the laughing-stock of his better-taught neighbours. The learned pig, or the sapient dog,

with the exception of speech, might be brought to about as much intelligence as that comes to—unless they are very much belied. What a sorry figure must a full grown young man cut, for instance, who knows nothing of the natural history of the articles in which he deals? What, if he cannot appreciate the pretensions of the rival manufacturers at home and abroad?

Nor is this all; as he would be scorned without some portion of information concerning his own particular branch of Trade, so will he obtain no respect out of it, unless he be tolerably intelligent upon *every topic*. If he ever aspires to civic or parochial honours (as most men do) it will be incumbent upon him, as matter of necessity, conducing to his elevation, and contributing to the proper discharge of his duty, that he obtain an insight of *general knowledge*, otherwise, his very exaltation will only hold him up to higher ridicule. Thus situated, the absolute fool, who has been called out of his sphere, solely on account of his riches, has an advantage over the half-taught modest man, he being unconscious of his own vacuity; whereas the *dignified* man of small attainments, feels his inferiority, becomes abashed, and thinks himself a rogue to sit still in elevated mockery, whilst he keeps out of his proper station, some *other man*, better calculated, because he possesses abilities more adapted to the post or situation thus unworthily filled.

THE FRUITS OF SOUND KNOWLEDGE.

7. The spread of opinion, and the means of forming a correct judgment, concerning matters and things, are become so extended of late years, that the young Tradesman who does not store his mind with the materials of which both are formed, is certain to be left in the back-ground of society. He has, therefore, no other defence but to put himself on a par with his fellow citizens in those respects. It is compulsory upon him to *read*; and, to read with profit, he must not read in a disorderly manner, but incessantly,

during the hours of leisure: he must *discourse* well, and fit himself betimes to *deliver his sentiments* in public or private: he must early begin to *pen down* the remarkable thoughts of others, and learn to arrange his own, by engrafting these upon those exotic ones, in a simple, unadorned, plain, and intelligible language. We have expanded, more than is our usual practice, upon these topics in our sixth chapter. A very great man has said, pithily, "Reading maketh an able man; discoursing, a ready man; writing, an exact man; but virtue beautifieth him in all."

Nothing mechanical contributes so much to keep and arrange well those thoughts, the fruits of his reading, as a plain legible hand-writing. Nor does any thing repay the labour of early life so well as a good stock of general information; and the acquiring, by exercise, the means of forming a sound judgment upon all topics that may be brought up in conversation, or rather let us say, upon the anvil of discussion. In all things let our young man be guided by the rules of good common sense, which consist in discernment, moderation, and sound reasoning united.

Unhappily, the recommendations we have here given, experience much obstruction from the conduct of parents; and what is worse still, of those parents particularly who live in some sort of condition in the world, to which part of society our labours are more particularly addressed. Too much pampering of the appetites usually takes place during the first years of apprenticeship, when the overweening fondness of parents, induces them to make too large allowances of pocket-money; than which there scarcely is committed a greater mistake in the education of a Tradesman, or indeed of a scholar. The natural disposition for extravagance in youth, if not checked in early life, shows itself, during the latter part of his term of servitude, in pleasures of another description, more correspondent to his encreased years; and are then too commonly indulged in so freely, as not only to leave no leisure or desire for improving his *mind*, but absolutely to subtract from the capabilities of improving it, for a time at least. But, there should be no let or hindrance whatever to the acquisition

of knowledge, however small the stream may be which is to fructify the understandings of our youth; a supineness which is often indulged in by parents, under the vainly-cherished hope, that the time is not far distant, when the mind of the much-loved child, will burst spontaneously its fetters, and astonish all around by its strength, its exuberance, and its odour. But miracles are not often wrought in matters connected with commerce: it is by slow, plodding means, its best interests are served; and a young man with untoward propensities for vain pleasures should be *constrained* by gentle methods, if possible, to leave them for the pleasures of the closet or the desk, to quit the conversation of the rude and disorderly, for that of recorded wisdom; and to leave the spectacle of modern fopperies, for the equally fascinating scenes which are laid open to us, of ancient or recent history. If he does not voluntarily quit enervating pursuits, he should be *compelled*; otherwise he is lost as a Tradesman, to the end of his days, probably; and, whatever may be his prospects in life, he may be outstripped by the superior application to Trade and to books, and consequently to mental acquirements, and commercial consideration, of persons of much lower expectations in the world than himself.

Even our junior porters and others now a days, from the very absence of other means of domestic recreation, find it in reading; and many of them devour such large quantities of book-information, as for a-while to give to their conversation the superficial appearance of real learning. Some of them of late years, we have noticed, get forward in the world, much to their credit, in the two-fold capacity of respectability, as to capital, and that of intelligent, useful, and active members of society. Hence young men of respectable families, must *perceive* (if they do not shut their eyes), and *feel* (unless that sense is extinguished by their mistaken pride), the real *necessity* there is of obtaining book-knowledge, in order to preserve that ascendancy which was born with them. An ascendancy which has been often disputed with them, successfully, and the means for doing which are industry, application, the acquisition of sound

book-knowledge, the digesting thereof, the adapting it to practice, and the bringing it to market as it were.

8. With a view to smooth the way to the consummation of his wishes, and his hopes, and his honourable views at setting out in life, that our youthful reader may not waste his precious leisure in useless frivolities, or worse, let us earnestly entreat him to read no disputed points in politics or religion,—to learn no game of skill or hazard, to follow no display of gymnastics, or athletic exercises, to use no musical instrument, and finally, go but seldom to a play-house, tavern, or public dinner. If he has learnt any other language than his own, he had better pursue the study of it at short convenient intervals. *French* he must acquire in particular; and although he may be very desirous of *practice*, he must not introduce scraps of that language in ordinary conversation, before uninstructed persons.

He must look well after his mode of speaking, correct cacologies in enunciation or delivery, avoid provincial expressions, and learn to pronounce well, by repeating over aloud the service, prayers, or chapters, which he may have just before heard at church; aiming, as nearly as may be, to imitate the priest in his delivery, pronunciation, and even manner; for mere oratory is but an imitative art at best, although a very necessary one. It is the understanding that supplies the materials, of which the mouth is but the outlet.

The *bar* and the *stage* also, present schools for pronunciation; but we apprehend the opportunities of benefiting by either, would be seldom afforded to our Tradesman, at any season of his life.

THE
LONDON TRADESMAN.

CHAP. I.
OF TRADE GENERALLY.

OF ENTERING INTO BUSINESS.

1. SEVERAL modes of entering into business present themselves to our notice, all equally honourable, but each encumbered by its peculiar dangers and difficulties. In like manner, every one offers its sole advantages and recommendations, either actually, or according to the train of thinking and of reasoning to which the individual may have been inured. The most obvious, and that which promises the best chance of success, is that of partnership, either emanating from, or in concert with the concern to which the young tradesman has been apprenticed, or else in direct opposition thereto, conjointly with another person of congenial habits and disposition, from the same or a similar business: the like kind of undertaking singly, however, occurs oftener than partnership, and is the medium through which we here intend viewing the subject, as being equally applicable to both.

Of partnerships, simply as such, we shall treat more fully in a separate chapter.

But at times young men are hurried into business by accident, as it were, or by reason of some adven-

titious cause, with which kind of occurrence we shall not meddle ; and however deliberately a person may have made up his mind on the subject, he still sees, in the moment of commencement, some favourable circumstance or other, ominous of his future success in trade, and inspiring him with confidence and zeal. This we hail as a very proper feeling, and rest assured it is a guarantee to his friends and connections, that he will not soon indulge in relaxed habits and enervating courses, which are less destructive by reason of the attendant expenses, than by the disorder they introduce to his household. For our view of the effects thus produced, the reader is referred to the next chapter, where he will also find suggestions as to the means of avoidance.

2. Besides this honourable class of adventurers in trade,—(for nothing connected with our subject is *certain*, but adversity, in a greater or less degree) there is another, and very numerous class, who do not possess one or other of the four following indispensable requisites to *complete* success, *viz.* capital, credit, fair character, and connections. He is blameable (as we will show in the sequel), who commences business with an inadequate capital ; and, possessing *that*, he is a bad manager who does not acquire the second in its fullest extent. Without character no man can be morally creditable, and notwithstanding he preserves his property, nay, though he even increases it, his connections, if any, will be of the base, sordid, and unrespectable kind. Such was the case of an alderman, who, in our younger years, although rich and in full credit, lost

his character, perhaps by one single fault,* (or *crime*?) and his connections which had been at one time strong enough to return him a member of the court of aldermen, became at length too feeble to procure a show of hands for his election to the mayoralty; he was, consequently, rejected *yearly*, to the hour of his death; in the mean time his property also dwindled away, his credit fled, and he committed an act of commercial suicide! A melancholy but instructive lesson to the rising generation, of the evil effects of a character tainted by the breath of slander, or polluted by the tongue of calumny.

3. There are, likewise, frequent attempts at getting into business, made by men not only of doubtful or negative character, but whose previous pursuits have been of that positively disreputable nature as to call forth our severest maledictions, which demand exposure, and cry for the cautery of our honest indignation. Of those, a very few have *some capital*; in which case, some recent disclosures tell us, it has been furnished by their co-rogues, or saved probably during a temporary exile, or derived from broken-hearted relatives; or else, without either money, goods, or credit, the *mere adventurer* endeavours, with the assistance of others like himself, to obtain all three; and sooner or later closes his career in a prison, thence to emerge at a *given period*, to recommence the same or a similar series of nefarious operations.

* Vulgar rumour said, that he deserved the title of "Alderman Rob-till," which was generally applied to him.

Some of these attempts, without the requisite of *character*, are even crowned with *success*, if to obtain property or to become rich, is to be *successful* in trade,—and it is apprehended that the majority of mankind think so. We have known men flourish for years, whose touch has been like a pestilence; but the strength of whose credit has still borne them out with a skin-deep reputation, even while they destroyed all who came in contact with them; the rapacity of whose transactions are often laid bare before bodies of creditors, when the affairs of their victims become the subject of investigation, or are sent before a criminal court, in which the proofs being with difficulty carried home to conviction,—or that a timely forfeiture enables the wily culprits to elude punishment,—they return to their former courses, taught by experience, and armed with caution.* In the meanwhile, the less successful, less extensive depredator, just before spoken of, driven by the narrowness of his sphere to little shifts and mean subterfuges, to false glitter, misrepresentations, and factitious character, is liable to

* When, some few years ago, the partner of a large drapery concern appeared before the sitting alderman, on a charge of having bought an entire shop of goods, which he knew belonged of right to a third person, at one quarter of the value, he got through with very little trouble; as he did the more serious imputation of inducing the unfortunate person to go and make fresh purchases *at credit*, in order to sell at the like loss *for money*, goods of a peculiar manufacture, which that draper stood in need of. He added nothing to his reputation, either one way or the other, by the open declaration, that he should continue the practice, since he had so well learnt how to elude the vigilance of the law; a promise which we have ascertained he has kept to the letter.

exposure in a printed list of *non admissibles*, in which his name and address are inserted at full length, at the expense of his more lucky, because better organized, brethren in iniquity.* Both kinds are swindlers, in fact, according to our estimate of morals, although the one has taken advantage of the other to cry out *first*; and whenever in the subsequent pages we quote the transactions of either, which we shall do in our own manner, as it suits the purposes of elucidation, of example, and of proof (rich sources of instruction!) we have done with the *men* themselves, though we echo again and again the warning voice of experience in the ears of our readers:—*Beware!*

4. “*Beware!*” we say; not in the spirit of prophesy, that it may ever fall to the lot of our readers to be mistaken for such unworthy tradesmen, if indeed *tradesmen* they can be justly called, but we say, “*Beware!*” with the two fold wish, that men of upright intentions may, at an early period of their lives, make up their minds to avoid all connections, nay, the slightest acquaintance, with those whose characters lie under imputations of so unequivocal

* Upon revising the names of Subscribers to the Essex Street “Society,” the greater part of the members appear to us of the most respectable class; but this fact does not warrant our altering *the text*, for not one name ought to appear among them which is doubtful in the slightest degree; since no man who has been *had up* for his commercial mis-doings, can reflect credit upon such an establishment. Again, the name of Entwistle ought not to have been omitted in the *list* of “persons not worthy of being admitted members of *that society*,” when lately those of his accomplices appeared there at full length. Farther down, this dereliction of an assumed duty is more fully exposed.

a nature as those we have alluded to ; and that none of them may ever arrive to that degree of necessity which compels many of the best intentioned among us to raise hasty loans upon their stocks in trade, or to sell for money, goods which have been bought at higher prices upon credit. This has been for many years the bane of trade in general, and of the cotton, woollen, and stocking trades in particular ; silk manufacturers, too, in great numbers, suffered in common with their brethren ; and without questioning the honourable motives of one or the other, we know those who, in their streights, had recourse to the same destructive means of keeping alive their expiring credit,—some few of them driven to the same unworthy step to obtain immediate subsistence ! so low had at one time fallen those who carried on the joint staple trade of this country. To this point we shall more fully hereafter recur, and direct the attention of our readers, as often as occasion presents itself, or the nature of the subject demands, since with this evil our enquiries first began ; the which will terminate only after having taken a detailed view of trade, general and particular, as it is carried on in the metropolis of the British Empire ; including constant precautions for encountering the dangers, for surmounting the obstacles, and avoiding the pitfalls that are daily devised for our destruction, by the knavish and unprincipled part of the community.

5. To this end, we shall treat, *first*, of the introduction of a young man to the trading world, and of the popular modes of conducting trade under various

circumstances, in the course of which, “credit and creditors” will be considered, together with the reverse “of debtors and bad debts,” and their consequents. *Secondly*, “of the household” establishment and economy, upon which so much depends the successfully carrying on any trading concern whatever. *Thirdly*, the recovery of a tradesman’s debts, and the salutary defence of his property is insisted upon; some forcible admonitions are given of the destructive effects of a litigious disposition; and from thence to the hour of bankruptcy (its necessary consequence), the tortuous windings of the fatal labyrinth which leads to ruin is unfolded, and the manner of getting through that *ordeal* with honour is marked out. *Fourthly*, agency, or the management of the affairs of others, in all its bearings and relations, is exposed, wherein is treated, the manner in which those callings are or ought to be conducted, alternately with the reverse, or how they are too often but wrongly carried on. *Fifthly*, our inquiries terminate with an account of some extensive establishments in London and Westminster, with reflections equally applicable to every other part of the country, inasmuch as they are adapted to those and other self-elected trading “offices,” which pervade every part of our extended empire. The *sixth*, *seventh*, and *eighth* chapters are appended to the main subject, as having for object the deductions of experience on topics both useful and profitable, to nearly all classes of traders and all ages:—1st. The pleasing, the important, and apparently easy art of writing letters, is not so well appreciated or understood as it ought to

be ; at least, the practice, which in early life assumes to be prim and studied, or vapid, inconclusive, and pointless, usually devolves into slovenliness with old age : so closely connected with this subject is the writers' manners and modes of thinking, that these seemed to require from us joint attention ; and if we have said too much on the latter division of this head, it has been from no desire to dilate unnecessarily, least of all to teach uselessly. 2nd. Our labours would have been imperfect had nothing been advanced concerning partnership ; and 3rd. We give a catalogue of publications on trade and commerce, to assist those who would push further their enquiries on this ever-interesting subject.

THE COMMENCEMENT OF TRADE.

6. *Circumspection*, a quality necessary at all times, and upon all occasions, is never more indispensable than at the commencement of new undertakings in trade. From the opposite, precipitancy, arises, in the majority of cases, those radically wrong measures which contain the seed of much after-trouble, if not of final ruin ; to this error, oftener than to any adventitious ill-luck, may be attributed the failure of many otherwise well-conducted concerns ; *the system*, originally ill-adjusted, has been too vitiated to admit of recovery by correctives. Again, we have seen many concerns, which began with the most favourable prospects that the most sanguine soul could desire, wherein to fail seemed impossible, to doubt appeared invidious, yet the common error of over-

trading (one of the effects of precipitancy) with its train of consequences, became visible at the very outset. Without bounds, and devoid of rule, we discovered nothing but that wide waste, and trackless line of trading, which we have seen, over and over again, attended with utter ruin and commercial disgrace. Whereas, with the assistance of some steady rule or maxim to act upon, even though that might not be the very best of its kind, a trader may steer tolerably clear of the greater difficulties, while without any rule at all, he will be like a ship at sea without rudder or oar, a prey to every blast that blows. "Look before you leap, deliberate ere you proceed," is a good ancient rule of life, and the better for being old; and, as applied to trade, and brought into practice, imparts to a new concern much of the solidity and apparent experience of an old one. By its application, many a money-making-scheme, full of glitter, but without other recommendation (which indeed *is none*), is denuded of its tinsel, whereby its native deformity is exposed, and it falls harmless to the ground. Not only young concerns, but many (nay most) old ones, neglect to exercise deliberation at times, and whenever they do so neglect it, they are generally losers by their want of caution, inasmuch as the deceit has been mixed up so as to meet their prejudices and particular modes of thinking or of acting.

For our parts, we have for many years acted uniformly upon the principle of thinking over a *second* time every proposal of the least importance, however objectionable it might appear to us at *first sight*; we have been no less circumspect with such as at first

view were the most seductive in appearance, or actually so from their nature and tendency: both kinds were uniformly postponed for reconsideration, and this became our rule; were it a bad one, we should have found out before now its erroneous tendency; but, as it is, we have discovered many of the, at first sight, most fascinating proposals, turn out, upon re-examination, of the more objectionable kind, and *vice versa*.*

Yet, on the other hand, it must not be denied, that when a measure has been once resolved upon, as a whole, the best assurance of ultimate success lies in pursuing the details with vigour. Some people maintain, that he who acts with vigour (meaning *rapidity*) has time to retrieve any false hit he may make, by repeating the stroke quicker than he who more gravely considers every step he is to take; but this holds good only as to the minor parts of a whole measure, *if that measure be right in itself*. For example, if a *pattern* be a good one, the colours only can be wrong, and then other colours may be worked from the same *blocks*: again, if it be advisable to import the articles of life during a dearth of provisions, nothing can come amiss, though some articles shall pay better than others;

* To those who were in trade in 1806-7, and of course recollect the Buenos Ayres expedition, we need say no more than that we managed to get paid for every inch of goods which we shipped during that *mania*, although three or four of our mercantile connections stopped payment in consequence of it; and we may add with truth, this good fortune was achieved without giving pain or umbrage to one of the parties.

the measure is a proper one, but the incidental parts being wrong, may be amended by a small variation, at every repetition of the adventure.

7. Another quality no less necessary to form a good and successful tradesman, than the *wariness* we have recommended, and mainly conducive thereto, is the just appreciation of one's own character. The vanity and self-sufficiency of some men is unbounded; it is an unamiableness that attaches itself to them through life, and belongs of right to some few professions.* The young Tradesman who, upon entering into life, does not feel a good portion of diffidence in himself, bids fair to rank with that stubborn self-willed sect; he must possess abundance of *hardihood*, not to call it temerity, although some persons soften it down with the milder terms "confidence" and "self-possession." He may safely indulge such bold feelings, if his term of apprenticeship, particularly the last year of it, has been passed in making those *mental acquisitions* to which we alluded in the Introductory pages of this work, as needful to qualify him for managing his concern with first-rate ability. But he who has not so furnished his mind, while profiting by years of experience (and he will have to undergo a strict and candid self-examination) should pause awhile, and reconsider each previous step before he takes another. He will find his confidence strengthened by free communication with some steady friend, of good

* See Chapter IV. towards the end, Auctioneers and Appraisers.

parts and sound common sense; a man who has himself rubbed through difficulties, and thereby become wary, is preferable to every other, provided he has not inhabited a prison; though this is not always dishonourable to his character, notwithstanding the presumption to the contrary. Such friend or adviser failing to the young Tradesman, he may consult these pages with profit, although the details, however minute, cannot comprehend every little particular and trivial occurrence, that together make up the entirety of his career. But, it is not too much to say, that at no period of his life is any one man possessed of the facts and deductions here drawn together out of the experience of several very active members of society.

8. It may appear trivial, but we have known much good derived from a young Tradesman adopting into his concern a person of much experience in the world, without property, chiefly for council. This is advisable in cases of conscious inability, or of too much diffidence; nor does it signify in what capacity that person is employed, nor of which sex; since the choice of both must be regulated by, and be adapted to the nature and extent of his trading. Let that person be aged, if possible; but whether acting as partner or assistant, confidentially or as an underling, he should know all that is passing in the business without apparent reservation; his advice may then be attended to with profit, although not acted upon at all times, nor directly asked for at any time. We once knew the credit of a house saved by the apt interposition of an old porter, or

one not much higher situated, the details whereof we forbear giving; and we learn that the mentorian hints of one but a little farther advanced, caused a decided turn in the affairs of another house, at present the most eminent in its particular line of business in this city.

But, however this course may be desirable, or whatever doubts the young Tradesman may *feel* as to his own competency, above all things, let him not evince a consciousness of lacking either understanding or money before other people: an appearance of judgment, and the demonstration of prompt decision in laying out his money, beget an opinion of the actual existence of both. This consciousness of his own deficiency, which possesses every man more or less, should render him cautious in his bargains, *pro* and *con*; circumspection will pass for wisdom with ninety-nine persons out of a hundred, and really operates as such in guarding him against the snares and intrigues of more wily Tradesmen, which generally appear under the garb of joint trading, in the exchange of commodities, or projects for undertakings and adventures foreign to his own immediate views, and wholly at variance with the rule of trading which the young Tradesman has (or ought to have) laid down at his first setting out in life. Offers of this nature generally comprise one particular feature, and this is the stipulation that the proposer is to have the management or direction of the scheme in his own hands. Hence we deduce, that a good *counter maxim* is to permit no money to pass into such hands, until after a cool and dispassionate examination of the result of similar speculations that

have been brought to a close. With regard to new and unheard-of speculations, plans, and projects, the reader may consult with profit the history of many score of such delusions in *Anderson's History of Commerce (vide Index)*; provided his own recollection does not serve him as to what passed during the first years of the eighteenth century, when every monied man was project mad.* New mechanical inventions, and discoveries in the arts, patents, fresh outlets for goods, mines of wealth that are said to require nothing but digging, or schemes which resemble the philosopher's stone, are some of the shapes in which such phantoms usually appear.

9. Not unfrequently it happens, that cozeners and cheats in abundance crowd around the young Tradesman with their insidious caresses; and while they play the sycophant to obtain his good opinion, lay plans for his undoing. Some, as we observed, endeavour to turn to their own profit his natural ease and practised credulity, others again treacherously attack his youth and inexperience with the villainous intention of crippling his energies in trade. They perplex and entrap him with every variety of mad adventure and chimerical speculation. Under these circumstances, proposals are made to the young Tradesman that he never would have

* These projects were exposed, but not repressed, in a pamphlet published by Cawthorne, of Catharine Street, in 1806; and the reader will find further notice of such speculations in the Fourth Chapter of this work, under the sub-head, *Jobbers*.

heard of in his old situation; because there the *halo* of grey-haired wisdom hung round the head of the firm, and scared the visionary theorist and designing knave from the doors.

In these remarks we have in view the schemers and adventurers who abound in modern times. They are not more dangerous, but less insidious than those of his own immediate trade, because the former set wish to profit by his undoing merely, the latter would willingly sacrifice some of their own property to arrive at the same end; the first mentioned are moved with the hopes of a *direct harvest*; the latter, influenced by a spirit of rivalry, look for their profit at a remoter period. We wish we could add, such practices were confined to the retail shopkeepers.

10. At his first starting in life, every vendor presses upon the young Tradesman goods or merchandize, which although not unsaleable in themselves, are disproportioned to the consumption in his trade, and must be paid for, whether sold or not, at the expiry of the usual term of credit. On such occasions, compliments are usually passed upon his stability, which although partaking too much of hyperbole to be misapprehended, it is next to impossible his new-blown *vanity* can resist—and he buys from *pride*.

This is one of the earliest scrapes, and the most usual, into which a young Tradesman is likely to fall, and must be resisted with all his might. Of a much worse complexion are such transactions when goods are sent in without the semblance of an order,

or perhaps of double or three times the quantity desired, which is not a whit better than the other. But what epithet shall we bestow upon the persons who are guilty of this crime on the eve of a *falling market*? The word is not yet coined which is applicable to the villainous Trader who is thus guilty, and yet such trickeries abound, and are considered *clever*. In the corn trade (flour, for instance) orders are evaded, or half executed, upon a *rising market*; misrepresentations the most flagrant are made when it turns the contrary way. And the same system of dupery is carried on in most other trades to which it is applicable.

Hereby several minor evils are engendered in the *shopkeeper*, besides the loss upon the first purchase: it sours his temper, to see the same goods occupying the shelves and the windows for days and weeks together, and gives his customers an ill idea of his charges; he is loaded with old, stale patterns and ill-fashioned goods; moreover, those adverse circumstances abridge the *confident* recommendations of his assistants, upon which depends a good deal the art of "making sale," as the phrase goes. In drapery and haberdashery, this is more particularly the case. He who is so over loaded and *over priced*, would therefore do much better to sacrifice his profits in the first instance, and make fresh purchases at reduced prices, than by floundering about with his high-priced stale goods, offend the taste of the most fickle of the creation—woman.

But those are not the only articles that suffer by an *over charged* stock, nor is *woman* the only creature the Trader has to dread in committing this

too common blunder. Every trade has its peculiar features, and almost every individual Tradesman his particular kind of customers. It is sufficient for our purpose, after having noticed an evil in trade as a matter to be avoided, or a thing which, being beneficial, is worthy of remark and of imitation, briefly to state the grounds of our opinion, and occasionally to adduce a case in point, either to prove or to illustrate our position; but it makes no part of our plan to distinguish between wholesale and retail, or to enumerate *every trade* regarding which our statements hold good, or towards which they may *not* be applicable; neither shall we recount every incidental circumstance that occurs to our minds as bearing relation to the particular matter under consideration, however entertaining, instructive, or elucidatory, such incident may be in itself, or appear so to us. Our readers will bear this in mind, even while we tire them with particularities.

11. In another and more general point of view, manufacturers of goods, which are liable to fluctuation, too often reckon upon the cost of their commodities, at the time of a fall in the market price of the chief raw material; an occurrence that often takes place with *wool*, as affecting cloth and clothes; with *cotton*, as affecting calicoes and printed goods; *rags*, as affecting paper; also, sugar, tobacco, silk, dye-wood, and the like; whereas nothing is more palpably wrong, inasmuch as the calculation should be made upon what the same goods could be *replaced at*, or for how much less new and fresh articles could be *got up* for, in the room of the old stale

ones now on hand. The holders of woollen cloths, and of printed cottons, will feel a great deal more the force of this truth when they add to this consideration, the fact that *their* goods are getting worse and worse for the keeping; the first mentioned often incurring the expense of dressing and packing over again, in order to keep them in a saleable state; and the cotton printer knows full well that these goods lose their novelty, fashionableness, and condition every day and every hour they are kept on hand. As regards *paper*, to be sure the case is widely different, that article acquiring with *age* a better price than when first made, in a *ratio* equivalent, probably, to any moderate advance upon rags; but then the heavy duty payable at the mills compels the manufacturer, who generally trades to the full extent of his capital, to promote a *quick return* in the very face of this advantage, in order to meet the calls of the Excise.

Moreover, in all cases whatever, the *action of capital*, (so much more necessary to such as make a taxable article) like that of machinery, is hereby kept up; and if the receipts and payments (which are that *action*) once cease their operation, even though without *profitable* employment, some difficulty is experienced in *setting* it to work again. To complete the figure—the *cogs* become loose and creak through aridity, the *axle* labours for want of greasing, and the *parallel motion* waxeth rusty in its own oil. In fact, the machinery, the workmen, and the material, in a large factory, suffer little less deterioration by disuse than by over work.

OF CREDIT AND CREDITORS.

12. In what we have advanced hitherto, our Tradesman is considered as being *capable* of beginning or actually seated in business, without difficulty, and with a fair credit; but we recur, in order to say a few words more on the means of commencing the first with the fairest prospects of ultimate success, and of obtaining the latter in its true and best understood sense.

Situation, and *appearance* of premises, is one of the earliest cares, and occupies too often the chiefest attention of modern Tradesmen, under the vain imagination that, according to their attractive prospects and show, will be the degree of credit, they will at once obtain for him. But there is no more palpable error committed than for a minor Tradesman to lay himself out for chance business, with no greater recommendations for credit than the claims he has upon chance customers from situation and appearance. These may probably attract custom to a fashionable business, and no other; but that failing, the credit he had hoped to obtain soon fails also; for none are so keen as creditors in making discoveries of the fallacy of such ill-founded pretensions. It is a poor recommendation to a man's ledger, at best, to show him the prospect of what business *may be* done, or the return that it is *possible* to make: a casualty, which if verified by the success of the experiment, any new adventurer may possess himself of with equal facility; so that what was chiefly relied upon as a recommendation, turns out to be none, and had better not have been adduced as

such; since every neighbouring house which becomes vacant, offers the means of opposition and circumvention, and a man so situated seems exposed to every gust that blows. A few payments in cash, every man of common sense must allow, will do more towards obtaining credit, than the view of any premises whatever; though we daily see the choice of a house of business causing useless anxiety, engaging a great deal of attention, and swallowing up too much of the capital of persons newly entering into trade. Of the more useful, and we will say more legitimate application of the new Tradesman's capital, we shall come to speak shortly, under the next subdivision of this subject—of credit.

The superior stress laid upon situation for a retailer, and the little that enters into the calculation of his individual exertions, according to some people, would seem to argue that the shop is to do *all*, the master *nothing*; whereas there cannot a more mistaken notion enter the head of thinking man, as to *almost* every trade, occupation, and calling. *Situation*, we insist, is but a *secondary* consideration; so that the new beginner is not too remote from his connections (and without those he has no right to open shop in the first instance), and in, or tolerably near, some leading thoroughfare, it signifies very little whereabouts his shop is situated, as it affects nine trades out of ten. To be sure, a goldsmith would not go to live in a narrow, dirty lane, nor a draper in a dark alley; that man would be a fool who should open a pork-shop in Duke's Place, or an eating-house in a butcher's market! All we have to say is, that *too much stress* is usually laid

upon situation, too little upon *manual* exertion and connections; and that too much money is generally bestowed upon gratifying the unfounded opinion, that every thing depends upon situation and show; whereas nothing can be more at variance with the real state of the case. For instance, what is there so strikingly recommendable in the situation of the celebrated "Flint's," in Grafton Street, Seven Dials, or that other shop of his at the Bridge-foot, the resort of myriads of customers incessantly for the last thirty years? Again, we remember during all our earlier years in town, a little shop at the back of the King's Mews being the resort of the nobility, gentry, and dignified clergy, although occupying no more room than a three-stalled stable, and not more lofty either inside or out. And yet the owner thereof, Mr. Thomas Payne, has been eulogized by the most learned poetical critic of modern times; and what is more to our purpose died *rich*, much about the time that the able but turbulent politiciste, of nearly the same name, died *poor*.

In pursuing such original mistake, many beginners suffer themselves to be duped out of large sums of money for "lease and good-will," as it is termed: this would be tolerable, provided the rent was lowered in proportion to the sum so advanced—(*seldom* the case);—and is, moreover, a custom of *modern introduction*—that which adds nothing to it in our estimation. In our earliest years, the tenant who took a house for a number of years certain, obtained a correspondent deduction from his rent in consequence, a practice which has been gradually reversed. However, we must take the practice as we find it,

and agree, that when it happens a house or shop has a good run of customers to it, there is not much amiss in the purchase, as in the case of a retail haberdasher's, for instance, or of a well-frequented tavern. But, in nearly all trades, the customers are attached to the master, and his method of doing business, not to the shop; as is sometimes proved at the decease of an old Tradesman, by the customers leaving it, without other apparent cause. For instance, the customers to a *shoemaker* would not be likely to transfer their favours all at once to a new comer, who understood nothing of their *fit*, their *corns*, or their awkward *insteps*. That surgeon was not of our opinion, who gave a large premium for the house and connections of another surgeon at Smithfield Bars, some years ago; it was preposterous to imagine that the patients were attached to that *house*! Knowledge does not descend to the actual inhabitant of a dwelling, nor to the wearer of a *toga*, as was the case with *Elijah's mantle* of old. Another *doctor* (in Bloomsbury) is said to have carried this idea a great way farther; he purchased part of the furniture of a deceased physician, and opened *shop* next door in consequence, *professing* to exercise as much skill as his *predecessor* applied to the same department of the curative art!

Some trades are better for being collected together pretty plentifully on the same spot, street, or district; as, for example, 1st, the Scotch, Manchester, Wigan, and Paisley warehouses, between the Guildhall and Watling Street, inclusive; 2nd, Ribbon manufacturers, in the vicinity of Wood Street, inclusive; and 3d, the book publishers, in and round

Paternoster Row, Cheapside. Others again are better for dispersion—bakers, in particular, could not make a living, if huddled together in large numbers.

With these general broad hints, we shall dismiss the question of *situation*, with the admonition, “not to sacrifice too much to *appearances*, nothing to *pride*, and very little to the hopes of obtaining a more established *credit* by reason of those externals.” The money too often laid out in beautifying the front of a house in brass ornaments and china figures, would be found of much greater service to a Tradesman’s *credit* in making *prompt payment* for *so much*; or in shortening the term of credit a month or two, judiciously taking the difference of discount for the time.

Too much show and glitter in a retail trader may even operate upon the minds of the consumer disadvantageously for the vain shopkeeper who indulges in such ill-advised expenses; for most buyers imagine the prices must be high in proportion to the stateliness that is kept up; besides all this, moderate and timid persons avoid exposure to so much publicity as showy shops *excite*, and such are the most valuable customers a shopkeeper can conciliate.

13. So palpable is this endeavour to gain credit through the superior expensiveness of their fittings up, &c. that most of those gaudy Tradesmen advertise the public of the taste they have displayed in this particular, and many a man publishes a drawing of his house-front. We remember, about thirty-five years ago, the once celebrated Lackington, not only sent about pictures of his (*two*) shops in Chiswell

Street, but with the same view (of extending his credit) published in the newspapers that he *kept his coach*. This he contrived by means of offering a pretended “reward to any one who should detect the thieves who had broken into his *coach-house*, and stolen thereout three thousand volumes of books, which had been placed in the lofts there, on account of his *two* shops being overstocked, but which three thousand volumes had lain in the lofts overlooked in the immensity of his stock!”

This was one way of obtaining that credit which he then stood so much in need of, notwithstanding his professions to the contrary, but the scheme was believed to have failed in producing the desired effect, although it certainly attracted customers from the novelty of a bookseller keeping a carriage.*

Puffing their premises in circular letters, cards of address, shop bills and advertisements, is a very common practice with some Tradesmen, and is even allowable when done *neatly* and for distinction sake merely, and is an art happily hit off by some men†;

* *The life* of this person, assumed to have been written by himself, amidst much that is extraneous, contains matter worthy the perusal of our readers, as it portrays a man struggling with difficulties, and finally surmounting them to arrive at a handsome competency. The ingenious pen of Mr. Kanmacher furnished that book with its rhetorical touches, and numerous quotations.

† In this age of improvement we should be surprised at no refinement upon our ancient methods: we are just now informed of a tradesman near St. Paul's Church, who makes a *business* of writing advertisements, bills, correspondence, &c. for other traders, &c.; while another, in Hatton Garden, devotes himself wholly to making out exemplifications for new patents for inventions and discoveries in the useful arts.

as thus “—— at the *stone* house,” or “the *white* house,” to distinguish one’s self from a rival neighbour, whose house probably is *red brick*, is very proper in a newspaper; or, in a circular letter to say, “—— having taken the *large* premises lately occupied by ——;” for when the vastness of the premises, their contiguity and notoriety are recommendations, those circumstances should be carefully emblazoned; as should any other means of facilitating the operations of a manufacture, as *improved machinery* and such like. So much, indeed, is perhaps indispensable, to let correspondents and the public know the *jet* and meaning of our Tradesmen having written or advertised at all.

Callings do not abound in which the first reprobated kind of puffing may be proper. A public exhibition and a public house, are the most prominent exceptions, since they instruct the reader in the goodness of the accommodation, or the quantity of entertainment he may expect to find. Mr. *Wm. Mountain*, of the White Horse, in Friday Street, is here a case in point: about twenty years ago he was desirous of showing his countrymen how much he had studied their comfort by the enlargement and fitting up of his inn; and accordingly advertised these circumstances on the cover of a certain monthly publication, called the *European Magazine*, with a large wood-cut view of his house and sign. This had the desired effect, which was immediate and lasting.

A good deal of knavery is practised by “House Agents” (who are not in all cases proprietors) as to rent and taxes *due* by the last tenant, and as to the amount of rates, the state of repairs, fixtures, &c.

and as to the modes and times of entry; which chicaneries, it is presumed, the young Tradesman will have sufficient caution to avoid, since he now knows they are practised, and we can ill attend him any farther in the details of the affair. Although these practices pervade the *whole metropolis*, yet they chiefly prevail round town, at the outskirts of which, in new streets mostly, the grosser impositions are carried on, where the parties occupant, having been themselves deceived as to eligibility of situation, conceive they are justified in leaving landlord, king, and parish taxes unpaid, to be defrayed by the next comer. Those who have thus demeaned themselves may be generally found in the purlieus of a prison, or their names in the columns of the *London Gazette*, probably both; and they are not improper persons to obtain authentic information from, as it oft-times happens they are brought into their dilemmas by the onerous treatment of him who holds the lease. Sometimes the ground landlord, who has got two or more takers (or sub-tenants) under his lease, lies *perdue*, until some *good* tenant gets well and safely seated in the house, and then he pounces upon the present occupier for his arrears. It were well if this was all; and even in this mildest view of the thing, to pay in advance is always irksome, frequently inconvenient, and sometimes (with *little folks*) not possible. The lease should be produced to the intended tenant, together with the receipts for taxes, rent, water, &c. If any deficiency appears, so much should be detained out of payment for the fixtures.

14. *Credit is money*, said one of the most sensible Tradesmen in the city of London. He *knew* it too, and had proved its truth, which is much better than taking the word of the theorist from whom the idea of the saying was derived, but who never entered into the true spirit of commerce, much less into its details.* It is indeed wonderful how such men as these catch up a dictum (as they term it) like this, upon which they will draw out a thousand ramifications, and lose themselves in the chaos they themselves create.† The practice of ————, who felt the two extremes of his own saying, is worth all the speculations of lordly Tradesmen; all the long-drawn speeches of right honourable M. P.'s, and the labours of the Board of Trade combined, unless these are enlightened by the experimental knowledge of intelligent "*shopkeepers*," as we have been called in derision by some ill-judging foreign diplomatists.

Credit is money, we repeat;—although the repetition of a self-evident proposition seldom adds to its force, or makes way for its reception (but the contrary); nor is it the best mode of inculcating a truth like this. That credit is as good as money, is

* See Chapter VIII., article Smith.

† Perhaps there shall scarcely be found a more *jejune* performance than my Lord Whitworth's great book on Trade, unless it be one or the other of Lord Sheffield's attempts. Adam Smith should be read coolly, and with large allowances for his want of *practical* knowledge; and a visionary Frenchman, named Say, is only bearable, inasmuch as his work is antidotal to the "*Wealth of Nations*," and he tells the English merchants of their faults; some of which they have, some they have not.

not enough to say; for it not only serves *instead* of money, answering *all its purposes*, and temporarily superseding its *use*, but is preferably convenient payment as to safeness *in transitu*. Besides which, settlement by *bills* has this advantage over money, that they superinduce purchases upon larger and more extensive scales, a consideration of the highest moment to manufacturers particularly; nor should we hesitate to add, thus *out of place*, that to this spirit of dealing in *large quantities together* is to be attributed much of the success of our trade in the aggregate; whereas, purchases made with money *only*, would be more adapted to other probable calls upon the purchasers' treasury, in the same manner as he must contract his speculations, whose credit is curtailed to a certain amount, or the dates and terms of settlement of whose accounts are limited within shorter periods.

That *credit begets credit* is most indubitably true; not only so, but credit begets money too, when payments are well sustained, as may be proved by everyday experience; but *money*, on the contrary, will not *always* keep up commercial *credit*! For, houses that *profess* to trade with money, although they usually keep so much surplus on hand as to sustain considerable loss in interest,* yet they will at times arrive at the end of their tether;—that is to say, the *extent of their trading* being bounded by the amount of their *capital*, they occasionally come to a stand-still, waiting until fresh returns are made

* See more on the employment of idle capital under the head "Bill Brokers."

by fresh arrivals. Not so, as we shall show presently, those houses who deal, and profess to deal, on credit.

It is thus we see in all those ready-money mercantile houses, a season of disuse or of listlessness, intersected at intervals by a state of bustle and confusion, alternating with each other throughout the year, and year after year.

As to retail dealers or wholesale warehouses, their dealing for *ready-money* is fallacious in the extreme; at least it is true of one side of the question only: it is among merchants alone that ready-money dealing is in any degree borne out by the fact; excepting indeed the *little* trades-people of the *fourth order*, whom perhaps nobody will credit, and as they therefore cannot give credit, the *orders* they supply are usually paid for at an early *prompt day*.

Whilst the ready-money merchant is thus circumscribed in *his* purchases, and bounded in his speculations, by the extent of his capital, not so he who has always dealt upon a credit well supported; for to credit, whilst its character is properly sustained, there is *no boundary*. Besides, what will appear at first sight problematical, though not the less founded in sound reasoning, is the fact, that a hitherto ready-money house, desirous at any time of extending its speculations beyond its capital, would find difficulties in obtaining credit, *at first*, it might little anticipate or expect; since people would become alarmed at the *alteration*, and in casting about for a reason, suspicion, which is ever alive, in conjecturing the real cause for so unequivocal a change, would attribute it to any other than the right one; nor would

they discover in its new and more extensive shipments other than fresh matter for surprise and doubt as to its stability, and the ultimate views of the party; motives would be ascribed that had no foundation in truth, reason, or common sense, and every trivial occurrence be sifted to the bottom, however inapplicable to the subject under investigation. Such is human nature; and this is the actual state of society among us, since we have seen what we *have seen*, and mercantile disclosures have been made (of which more in the subsequent pages) that occasioned credit to tremble on its base, and shook the confidence of man in man.

14. One only method of getting out of an undesirable ready-money system of purchasing goods, into that of buying at credit, appears to us to be, the payment of a certain proportion of each purchase in money, remainder by bills; or, of giving to payees the option of taking money or short bills, at one or two settlements previous to the payer taking that choice upon himself. This latter is confessedly the cheapest method of buying goods of any other that is in practice: a Tradesman or manufacturer who after sending in, or shipping his commodities, calls on the usual day of settlement, and having adjusted the amount with the clerk, is desired to draw for the same, or to take off the *discount for the money* at his pleasure, feels a higher opinion of the *acceptance* he so obtains, (and conveys the same feeling abroad when he pays it away, or speaks of the acceptors incidentally) *than if he had taken the money*. He could not, to be surè, *speak less* handsomely had this

been the case ; but then he would not have to speak upon the subject *at all* ; unless when he felt sorely the rebatement of the interest or discount for ready-money he had been compelled to make ; which grating circumstance he would remember when perchance the next order came to be made up, either as to quality or charges.

In this latter respect it is the professed ready-money houses miss of their aim : they invariably take off *discount for money* from the larger purchases, where the credits are best defined ; cotton goods, for instance ; but it not unfrequently happens that the prices have been previously lifted up by the first charges, in order to meet the expected reduction. This is precisely the case with the miscellaneous orders of small amounts, more or less. We are not speaking of the usual trade discounts upon settlement, but *discount for money* only.*

A *distant* prompt day is a great evil, and is the worst species of settlement a merchant can appoint. The vendors of all degrees require an *early settlement*, be that effected as it may ; because, at the worst, they obtain possession of the *assets* with which to go to market again ; whereas a prompt day three or four weeks off, cripples the energies of the smaller traders, and gives uneasiness to all. If one of these small traders receives an acceptance at three months after date, let us suppose, he goes and pays it away, frequently the *same as cash*, in a very short time after it is made ; stopping the objections of the receiver (should he raise any,) with proofs of its being

* For those discounts, see Section 37.

“ as good as the Bank” itself, with the exception of *time*. In proof whereof, he will adduce some such arguments as we have urged above, viz. “ that he might have had the Bank notes if he had asked for them,” &c. &c. Descending in the scale of Tradesmen to the bottom, let us instance the trunk-maker, whose accompt upon a large shipment is generally no mean one *for the man*, if that has consisted of manufactured goods requiring *cases*. He is not, generally speaking, a trader of any capital, nor is the shoe-maker, (and if our merchant be a shipper of *heavy* shoes, he cannot deal advantageously with a *stylish shopkeeper*;) these men would act exactly in this point as we have suggested, and the like conduct will be found to ascend much higher in the scale of traders than we choose to verify. Either of those men would be heard while urging his arguments, by the currier or the timber-merchant with complacency; and unless the fellow who is to receive it be a churl, the bill will be immediately placed to the current account, and thus the credit of the acceptor is enhanced in consequence, through all the channels by which it may pass back to its consummation and payment.

This method of *paying away* the acceptances of others, is, by far, the most preferable of any for *minor* Tradesmen and manufacturers; because their *time* (which is their chief property) would be as much occupied in preparing cash for their *own acceptances*, in number not averaging, perhaps, one a week through the year, as that of the most extensive traders of seven times the amount. Every step such an one takes in payments of this nature, is an approach to-

wards independence, in the support it gives to his own credit; which again would not be greatly enhanced by the circulation of his *own acceptances*, on account of their fewness. However, such paying away of others' acceptances must be used with caution in his own business, or in collateral branches of it; for, assuming the fact that it has been so paid away, he would thereby expose his connections in business to others, who might be induced to make tenders of goods on more advantageous terms, as to *time*, if that be an object, or as to *price*, which is always so.

15. Higher up we have said, "there are no bounds to credit whilst it is well sustained." We there meant as to *extensiveness*: so, as to continuity or duration, one who is a good financier, though denuded of capital, can "keep the game alive," (as they phrase it,) and his *paper* will *go down*, long after he has been hit vitally, upon the mere strength of his former good name, though he may, at the time, be "worth thousands of pounds worse than nothing."

Credit, originally founded upon real and *bonâ fide* property, and sustained by years of punctuality, may yet be kept up for an indefinite time in unsullied purity, a long while after that property has been withdrawn. In banking concerns this truth holds more pointedly: while the public opinion remains good, the connections are kept up, the deposits remain with which the discounts are made, and thus the profits accrue, just as they would have done, although the seceding partner and his property had remained. The whole rests on opinion (*faith*;) that failing, the spell which long kept the concern together is broken,

and the charm dissolves. Something like this caused the ruin of the country banks in such numbers a few years ago; precisely thus was the case of Dickenson, Goodhall, and Fisher, about fifteen years since, when Wilkes withdrew *his* property; and about the same time occurred the stoppage of Strange and Co., New Bond Street, under similar circumstances, occasioned by the decease of the monied partner.

The country bankers alluded to, although the partners neither died nor went out of the firms, are here exactly in point, as far as regarded their *property*: this they withdrew, to employ in speculations nowise connected with banking business. Manufactories, brewing plants and store-houses, fell under their management, in default of redemption from mortgages; while again some such concerns were set up anew, by them; they also monopolized grain, (or supported the *monopolists*;) bought up wool, and aggrandised estates, also, looking forward to a rising market. But when their customers called for the deposits left in their hands, the monies were no where to be found, being locked up in such property as is above enumerated, which was every day suffering depreciation, and came for sale to a heavy market, or almost stagnant demand. Thence may be dated their ruin.

As soon as a banker in town or country thus departs out of his proper sphere of action, and we may say of usefulness, he ought not only to lose his credit and character, which he generally does, but his name ought to be reprobated by all good men. We never saw a banker at exercise on the *pavè* of the King's Bench prison, nor met with the name of one of those firms which once stood high in our old Direc-

tories, in the columns of the London Gazette, that called forth our commiseration like the misfortunes of other men. No Tradesman's credit stands on more ticklish ground than his: he has but one only legitimate means of reimbursing himself his expences, and of deriving a profit from his trade, and that is "*discount*," whether that be of Tradesmen's bills of exchange, Exchequer bills, navy bills, East India Company's bonds, or advances upon property about to be sold, or *in transitu*, the advance to be returned in two or three months, or upon an understanding of renewed bills with interest added. Such, with the addition of a slice of the loan (when one may be in the market) are the only allowable means of employing capital entrusted to the hands of bankers. He among them who stakes the money of others in any way but these, is an unjust steward; and "deserves hanging," says the general voice, whenever the upshot takes place which we all more or less deplore: but one never hears of an execution for this crime.

OF CAPITAL AND CREDIT.

16. Rather prematurely perhaps we have pushed the consideration of credit, only so far as regards such as enjoy it in the most ample sense, or have done so; and to this was added a few words how this had been lost by some, or simply forfeited by others. Let us next see in what way a young Tradesman at his entrance into life may and ought to obtain that credit, which is indispensable to his well doing. This will shortly bring us to speak of the various

smaller modes adopted (or that may be put into practice) by persons under different circumstances, in order to arrive at that desirable end, according as the amount of their property, their tastes, education, connections, or other adventitious qualities or powers may seem to suggest on the spur of the occasion. But capital is, and always must be, (notwithstanding what we have seen, and in spite of all that can be adduced) the only substantial ground-work of credit; for, agreeably to the quantity of capital must be the extent and fulness of credit; and, by inversion, where the capital is small, little will be the credit. *Capital* is the birth-place of credit, as the *proper application* thereof is the cradle and the nourriture of the only legitimate and healthy state of it in succeeding years. Any other means of obtaining credit is a species of bastardy, and reflects no honour on the temerity of him who has succeeded by it, but utter disgrace on all such as attempt and fail of success. Indeed, no temerarious scheme on a large scale, is deserving our countenance *in trade*, however it may be in *warfare*; although we allow every undertaking is in itself a mere adventure, with the chances in favour of the adventurer, rising according to his diligence and wisdom.

For our parts, we never had but one sentiment, one opinion, as to the *fitness of things* in this particular, and we are aware that that opinion will sound harshly in the ears of some of our readers; (but we can neither find fault with, or help, this mistaken notion,) *it is this*; no man has a right to embark in business, without an adequate capital at his *disposal*, either of his own, or *properly borrowed*. And

although we entertain no quarrel with those who have done well without it, and succeeded *miraculously*, we cannot sufficiently blame those others who, by *abortive attempts*, not only sacrifice their connections and characters, the support of their particular friends and acquaintance, but also subject to great risks the property of other Tradesmen, who have been induced from *appearances* and *mis-representations* to entrust them with property. Tradesmen recently established in wholesale concerns, are more likely than old ones to be thus taken in, or rather to take in themselves, by reason of congeniality of sentiment, the appearance of candour, similarity of ages, &c. between the applicant for credit, and the intended creditor.

The harm is incalculable which is thus inflicted upon the more circumspect, and therefore we must say, more deserving young Tradesman, by this lowering down the confidence which ought to subsist between man and man, and which confidence is the pride and bulwark of all credit.* Now-a-days, however, is verified the almost exploded maxim, that success sanctifies every rash attempt, want of it alone constitutes the crime ; notwithstanding this, we have good reason for believing, that much less will be heard of such rash and abortive attempts for some years to come.

17. As an instance of what may be done in trade with a comparatively small capital, take the case of

* See more, under Section 24 ; in the last sentences this subject is resumed.

B. French, Burrows, and Canning, which occurred thirteen years ago : we speak from recollection. At the winding up of their affairs, it was found that twelve thousand pounds was the sum total of capital employed in that grand concern ; and yet the enormous amount of ninety thousand pounds worth of provisions were returned upon their hands by government at one single sweep, which was the immediate cause of their stoppage. Add to this, as much more, probably, which was on its way *for delivery* at that moment ; all of which, and more, must have been paid for in their own acceptances, *then afloat*, and we can almost *feel* what may be done by good financing and unsullied credit. Hence we are justified in concluding that a well established firm, ably managed, may safely issue its acceptances to more than *twenty times* the amount of the *capital employed* in it ; and, by consequence, that buying and selling by the same *ratio* of credit, for present bills, fifty or sixty thousand pounds per annum may be turned over by a concern, with an original capital of one thousand only.

Thus, if we may turn out of the way in comparing great things with small, we may infer that, with good management, the riches, soil,* industry, and *produce*, of a nation (being its whole capital) may be safely mortgaged at double its income for one year ; or for any amount of debt floating or funded, the interest

* By riches we not only mean money and income, but the property which lies inactive in the shape of plate, paintings, race-horses, &c. *Soil* includes parks and pleasure-grounds, all which the owners deprive the public the opportunity of turning to the general account and benefit, and ought to be taxed.

whereof does not extend beyond that proportion. But herein are included several calculations, from data *to be* established, which we are not disposed to dwell upon *in this place*, because they seem to be outside the subject in hand.

We have been induced to dwell somewhat too minutely perhaps on the abstract question of *credit*, consistently with our main subject; but it is an inquiry at all times interesting to us as Tradesmen, and in that point of view, if that alone, we claim to stand excused with the reader.

18. No one should suffer himself to be precipitated into business immediately upon the expiration of his articles of apprenticeship, by *any consideration whatever*; chiefly because he will have possessed no fair opportunity of negotiating the arrangement of his *capital*, of asking advice upon equal grounds, or of driving a good bargain for a loan or loans, (as pointed out below)—but under the impression, and feeling the disadvantages of his *boyism*. The tutelage of seven years does not often fly off at the striking of the clock which announces the termination of his servitude; though we are far from imagining, that a young man who has been liberally apprenticed, and as liberally treated, would be thus screwed down to a day, notwithstanding we have ourselves always observed the day *to a day*, with the allowable maxim that “a bargain is a bargain, and ought to be kept by both parties.”

But before coming to our main point, there are two or three matters of no less importance pressing upon our minds for consideration, as requiring to be

previously set at rest; not the least interesting of which is, the *question*, How *he* is to manage who has got but too little capital to arrange, when compared to his connections, or other prospects of doing much business? For nothing in trade asks for more care than the due adaptation of the quantity of capital to the amount of business done, and the contrary (if possible): credit forms the connecting link between the two; the absence whereof renders decrepancy more and more apparent every hour it lasts; and commercial failure follows at greater or less distance, according to the extent of his family, economy of his household, or expensiveness of pleasures which attach to the individual.

19. We certainly do not pretend to know every thing that is passing in the world, or how all things ought to take place in it; but our opinion of the *fit time* and *manner* of commencing business, we confidently maintain to be the only just and proper one, from long and intimate observation of the defects, the failures, or the want of complete success, which attend such young men as have been hurried into business too early in life.

By being employed as a clerk or journeyman, in *another house* than that where his apprenticeship was served, the young man learns new ways of *doing business*, he sees new faces, and comes in collision with new *tempers*, and new connections. Neither would we advise too long protraction in this respect; for he may thereby be forgotten by the customers of his old master, part of whom he ought reasonably to reckon upon as his new friends: he will himself, too,

forget their likes and dislikes, their tastes and humours, so highly requisite to be remembered in all *retail* trades. In wholesale businesses these exist, but in a weaker degree. Moreover, by *too long* delay, he may allow that period of life to pass away in the ill-rewarded services of others, which ought to have been employed more profitably in securing for himself a competency for the vale of years. Too often, however, pleased with the idea of being freed from the trammels of servitude, a young man looks anxiously forward to the hour that is to announce his emancipation to an expecting public. Meanwhile he hears from the frequenters of his master's house, commendations of his *industry*, allusions to his *prospects* in life, and gratulations on the coming event, which call forth his admiration at their discernment, and demand his most grateful thanks. People of this stamp are generally mere sycophants, some of them give *insidious advice*, meaning to betray, but are easily discovered; for, if they do not advise delay, and circumspection, and make offers of their money and patronage when the business may commence, they are false friends; or, they are *incapable* ones, which is the same thing to him who seeks for counsel; since, if a man is to be directed amiss to his destruction, or at least embarrassment, it signifies little to him whether this ill-office be performed by a knave, a fool, a madman, or all three commixed.

But, allowing for as much sincerity as they may seem to possess, those people are not such as a young man should give ear to, who do not argue over and over again the propriety of embarking in business at the particular moment under consideration. If no

good reasons *against delay* are adduced, unless those persons can show, by sound argument, that damage would ensue by postponement, their recommendation of a precipitate step, that is to embark all his expectations in life, probably, is founded on no solid basis; they then come under one or the other denomination of advisers we classed together at the close of the preceding paragraph.

Men of all years, old as well as young, who choose to be biassed by the advice of persons with heads ill furnished with the grains of *common sense*, or of those with none or but little experience of the world, need not be surprised when too late they find their *hopes* so raised are not likely to be realized to the full extent; nor ought they to upbraid any but themselves on discovering their expectations of support so derived, rest on sandy foundations; nor have they any right to be angry, though their prospects, blasted in the bud, bear not the fruit that was promised by the full blossomed sycophants, and shallow friends of small understandings. The heart has very little to do with *Trade*: it may lead the owner astray; and it is only when the Tradesman abstracts himself from his business, that he ought to attend to its finer impulses.

Notwithstanding all that has been said, some cases arise in which postponement would be equally ill judged with precipitation; but these happen so seldom, that we did not think proper to qualify the advice which is given in the first sentences of this section. Proposals of partnership with, or succession to, old concerns, form a prominent exception to the general rule, nor are we at present aware of any other. When

a man of ability, or one with large connections in trade, stands in need of a partner, or the owner of a manufactory, or a firm of very extensive dealings, requiring pecuniary aid which our young Tradesman may have at command, too much delay probably would occasion irremediable harm to the proposer; or possibly blow up the negotiation altogether, and so a favourable opportunity be lost. The like failure would attend delay when an aged Tradesman requires the additional energies of personal exertions to conduct the more arduous part of his business. In all these supposed cases, procrastination would be particularly injudicious, unless it be that which is bestowed upon making a proper bargain; the consideration whereof belongs to a subsequent part of our labours. (Vide Chapter VII.)

20. Many a young Tradesman imagines, when he has opened a shop, filled it with goods, furnished his dwelling, and announced the joyful intelligence round about, he has done all that is required, aided by industry, towards securing a competency through life. He goes farther, probably, and pleases himself with the hope of one day becoming independent, and entertains the allowable wish, that at no distant day, he may wear a *fur gown*, if not a *red* one with a chain, and thus assist in the government of the first city in the world! But he ought to know betimes, and should constantly be aware, that previously thereto, he will have much to learn, and a great portion of adversity to go through, of perplexities to encounter, and impositions to combat, ere he arrives at the goal of his wishes; on all which topics

we purpose to give him the results of our experience, and the sum and substance of extensive enquiries, and of long and patient investigation ; whence he will learn how we ourselves attained prosperity, or acted in adversity ; how we have seen others struggle through their difficulties, or abused the benefits which have been strewed before them. By the help of all which genuine intelligence, drawn from actual occurrences, and formed into precept, or illustrated by example, he may acquire a surer, because more practised, method of steering clear of the rocks and quicksands that every where intercept his course, until he casts anchor in the haven of ease and enjoyment of his well-earned labours.

Before we advance another step, therefore, it befits our assumed duty to tell the young *retail* Tradesman, whose capital is contracted, too much so for the number of his customers, and the amount and expected importunity of his creditors' demands, how he should set about apportioning the *amount*, and *time* the credit of his book debts, to the other means he possesses of meeting his payments.

This is most effectually to be contrived by shortening the period of sending in his accompts. Thus, if his sales are *double* the amount of what he had calculated upon at setting out, he must contract his settlements to *one half* the *usual time*, being that which we presume he had reckoned upon at his commencement. This he may do very agreeably by taking off a discount from the bottom of his accompts, at a little more than the existing interest of money (now $4\frac{1}{2}$ *per cent.*), though the extent of legal interest is more. But should the whole usual

time of credit be required by his customers, he must be content to wait for its consummation *this time*, but plead his inability to comply in future. To be candid, he may as well state the right cause at once, and say, that "his friends crowd around him in such numbers, as to render impossible his giving the full term of credit, as he could wish," that "he can sell a greater amount in one month (or *two* or *three* as the case may be) than ever he was worth in his life, thanks to his friends;" and then he may add his "determination to vend the very *best goods* at more reasonable rates in consequence of the proposed contraction of credit." Such like phrases not only ameliorate the acidity of any ill-feeling towards the speaker, but also tend to conciliate friendship; people being ever prone to run after the most frequented shops, and to continue their patronage, notwithstanding such arrangements, since their own favours have rendered them necessary. We deem it advantageous to go a little out of the common way with observations such as these, for although they may be thought extraneous by the fastidious and querulous, many of whom exist in trade, yet the best informed must know and feel, we derive our knowledge from experience, and hence every observation and remark cannot fail to be desirable.

From the same source is derived our conviction of the impolicy of a certain measure, intended to answer the same purpose, too often practised by shopkeepers at the *west end* of the town; *namely*, obtaining the acceptances of good customers for their book debts. This is a very ticklish and ill advised practice; for the acceptors at that part of

town are seldom regular in the payment of bills of exchange; and, in fact, what can men *out of trade* possibly have to do with a contrivance which was alone invented for the conveniency of trade? Besides, those bills when once sent abroad for value received, must be taken care of when due; and should they be returned, as they generally are, without previous notice, on a sudden, the issuer must provide for them in the same manner as if they were his own. Acceptances so obtained are nothing better than *accommodation paper*; and the disagreeable results usually attending this kind of it, occasions sourness, law expenses, perhaps mutual reproaches, and ultimately the rupture of a beneficial family connection, besides shyness in many more. No Tradesmen so often fall into this error as tailors and haberdashers, although it pervades the whole of the trading classes, at the part of town just indicated, and is occasioned probably by the articles they deal in being too heavy for the persons who exercise those trades.

OF OBTAINING AND SUPPORTING CREDIT.

21. If the practice of thus pushing for acceptances from their customers by retail Tradesmen be injurious to *them* (unless when it is intended to fix long-winded or doubtful persons of evil disposition) the same cannot be said of *wholesale dealers*, or those who serve minor Tradesmen. They, on the contrary, cannot do better, when once a bargain is struck, and the day of payment appointed, than to fix it more assuredly by means of acceptances or

notes of hand, even although the *time* be *enlarged* for the purpose of obtaining such acceptances. This is a preferable mode of settling accounts in many points of view; among which, not the least is, that the holder may at any time take the bills into the money market*, and discount them with facility, whenever he may be *pressed* for cash, and so sustain his credit. By having such ready assets as these in his coffer, he is enabled to *extend trade* to great lengths, without the fear of running aground; and if he take good care that such bills, when perchance they may be dishonoured, shall reflect little or no disgrace on the acceptors (with whose character his own is in this case identified) but that the bills are taken up *promptly* by one or the other party, then, and in that case, he has well sustained his credit, and provided such bills are properly honoured, he has extended his trade upon good foundations, but not otherwise. For if the sources for discounting are choked by the return of paper, the *renewal* of that paper is of no farther service in the same channel: the names are then said to be *blown upon*. By this measure, the drawer has also tried the *strength* and punctuality of his customer; a question very proper to be settled between them, as regards further dealings, and the mode of transacting business in future. In case of doubtful or disputed accounts too, promissory notes and acceptances are desirable modes of settlement, inasmuch as no trouble remains of proving the delivery of every article

* See Article "Bill Brokers." Chap. IV.

in a court of justice, but only the *hand writing* to the bill itself. (See Chapter III. Section 1.)

As we here recommend the *sellers of goods to other Tradesmen*, to push for acceptances in order to try the buyer's strength, so we think it advisable that these latter should avoid binding themselves to a day, for the very same reasons, *per contra*, unless they see their way tolerably clear as to the means of meeting such acceptances.

A Wholesale Dealer may go a step beyond the one just spoken of, in obtaining *bonâ fide* acceptances for all goods actually sold and delivered, by making it a condition of sale that they should be so settled for. Although such bills be of very long dates, should the state of his dealings or the sustenance of his credit require extraordinary exertions, they become one of the most desirable means of achieving his purpose. With these, however long, he may go into the money market, and procure *discounts*, in the manner we shall hereafter show, provided always his speculations, and the upholding his credit require such an extraordinary measure. But there are steps that may be taken, many of them beyond this, and far more painful, that Tradesmen are subject to when their credit is hard run, or when, alas! they struggle for existence. The further consideration of these extremities belongs to a subsequent department of our work, but are not wholly irrelevant to the present subject.

Better far would it be for a retail Trader, who has a great deal too much business for his capital, to adopt the plan of selling for *ready money* only at reduced profits, and thus place his particular friends and his

chance customers all upon the same footing,—than to struggle for full credit prices while he is in want of the money, and cripple along through years of difficulties, doubting all the while whether his commercial character is to sink or swim. Some trades-folks are guilty of trimming their prices according to their customers, but this mostly prevails among female traders, and in fashionable businesses, and comes under the head of *Irregular Trading*, to be spoken of further on.* In the mean time we must remark thus early, that whoever sets out in life with the practice of asking more for his goods than they are worth, acts dishonestly, he who takes less does himself an injustice; in either case he is a miserable Tradesman, and has instituted for himself the means of much pecuniary loss, seeing that in a retail Trade, the master never can reckon upon the prices his goods actually fetch when they are sold, unless he himself is present: in a wholesale concern, he leaves open to the keener retailer the option of going from warehouse to warehouse, or pretending to do so, and of running the terms of one house against those of another, until he has rebated the entire profits from the purchase.

22. On entering into business, whether wholesale or retail, in the mercantile or the manufacturing departments of Trade, the chiefest object of every one is, to be thought well of by others as to the *means of payment*. This, in its fullest extent, is to be what is called “in credit,” or worthy of being trusted

* Section 37,

with whatever a man may choose to purchase at the usual *time*, to any *extent*, and at the lowest *charges*; a confidence that can only be inspired by the general opinion that he is *certain pay*. It is the acmé of credit to be considered *good* for any quantity of goods a Trader may wish to order; and the only way of attaining that summit of credit is, to buy nothing but what he can pay for *when due*; which again cannot be reduced nearer to a certainty, than by our Tradesman selecting only such goods as promise an *early market*, according to the best of his judgment and experience. He who orders goods in a random, careless manner, may well be suspected of intending to discharge his debt in the same equivocal style.

These comprise some of the earliest matters for grave consideration upon entering into business; but as the sellers of those goods, will not part with them upon the usual credit to beginners, especially for the *first* order, money must be paid for them, unless the buyer can show very *good reasons* for not doing so. One of the chiefest and most cogent of those reasons will be, that he has wherewithal to meet every demand—either in money at the bankers, *assets* of the most undeniable kinds, or property in land sufficient to accomplish all his views, and complete the plan of doing business he had laid down for his rule and guidance at his first starting. As it would be too much labour to make the same exposition to every merchant, manufacturer, and wholesale dealer, to which the young Trader would find it necessary to apply for goods; besides that some few would not take so much trouble, if full of business

at the time, and that some men are not always adapted for comprehending such details, it behoves him to adopt a less elaborate method of accomplishing the same end. He must, then, convince one highly esteemed person of his own trustworthiness, and to him refer all others for character.

The person, company, or firm, to whom he makes this application, will not, of course, be of any other description than the most respectable; in fact it ought to be the highest he can approach upon such an affair, who it is likely can be induced to take so much trouble on behalf of another. Some men take pride to themselves in the performance of civilities and good offices of this nature for the rising generation; although a few there are, who by their taciturn moroseness, exhibit the selfishness of some unesteemed animals, they themselves would (if they speak out) call the *brute creation*. Better not employ such an advocate, lest discerning people attribute his exertions to *interested motives*,—the only ones that actuate such men. But whoever our young Tradesman engages to perform this act of kindness, to him he must fully open his mind respecting the state of his property, views in Trade, and expectancies, with candour, fairness, and confidence. He may conceal defects without imputation; but misrepresent no matter of fact, without doing his cause irremediable harm; not only because he will afterwards lie at the mercy of his confidential friend, but run the risk of immediate discovery of his deceptiousness, and thereby endanger his commercial character for veracity at the very threshold of his entry.*

* See Chapter III. Section 9.

Since the person whom our Tradesman approaches for the purpose of making this confidential communication (in default of other means of access to him,*) will know as well as himself that an *assortment* of goods from other houses as well as his own, is indispensable to his commencing business properly, and that he must necessarily deal elsewhere for those other goods, he will not accept of, although it may be offered, more than one half the amount of the first order in ready-money. This becomes the touchstone of his suavity, and must determine the choice or rejection of him for a confidant. If more be demanded than that proportion for the first order—(after our applicant has endeavoured to do his business by dint of his representations only, and without paying any cash whatever) then, and in that case, he may look upon the concern as unfit for his purpose, he must proceed no farther in the negotiation, make up his mind they are a shabby set (which will give him cause to be satisfied with himself)—reconsider the bargain, and ultimately buy but a small lot of goods. *Some*, he should buy; for it is highly *indecorous* in young men to be pettish, at the outset, however blameable the parties may be in not coinciding with him in what is right; and he ought to reflect, that it is competent to every man to think and act as he likes in the disposal of his own property, and in every other matter that does not interfere with

* Very ill indeed must have been passed the latter years of that young man's apprenticeship, who cannot look round, in his own line of business, and find an active friend for this occasion, already prepared to his hands.

his fellow citizens. He must, then, look elsewhere for that active friendship, which he will find necessary towards executing the remainder of our project. By the way, few persons in *those times* (and they may return again) could resist the temptation of an offer of ready-money when placed before them; therefore this must not be attempted *experimentally*, if their acceding to the offer would involve our Tradesman's cash account in any difficulty.

At no period of his life will a young man find his early habits of industry and frugality, of intellectual powers* and sound reasoning, of such vital importance to his future prospects, as at this critical juncture: hitherto, these have been the subjects of inward satisfaction, and of praise from without; but now according to our view of credit, a little higher up, he is about to turn those qualities and acquirements into *money*—*that is*, to obtain credit by dint of the recommendation these give him, and thereby gain a *profit*—which is money.

Let us suppose the young Tradesman at length finds a highly respectable house, the principal of which has been induced to listen to his overtures, is desirous of serving him, and will take some trouble on his behalf; to this principal and this house he must refer others, as to his fitness for business, and his worthiness of credit; they will speak as to his present property; and *in a word*, state his actual capital, and future expectations, when required. To which they will add such minute remarks or additional cir-

* See Introduction, Section 6.

cumstances as they may be in possession of, according to the temper of the speaker, at that precise time : he may do the same under the idea of discharging a duty he owes to his *protegée*, probably, or from a communicative disposition ; and therefore the more particulars of his life and conversation, his acquirements, family connections, and kindred, the speaker may have been furnished with, in order to fill up the talk, so much the better, even though these may not seem to bear exactly upon the main subject. In making these confidential communications, the young Tradesman would not of course introduce any thing disadvantageous to his own cause, however pleasing they may be in themselves, or appear so to himself : he would not for instance, tell how he is an *excellent shot*, fond of the play-house, a dreadnought hunter, or a dabster at cards,—four things all very well in their way, for people to follow who have nothing better to employ their time in, but totally incompatible with the pursuits of Trade.* Indeed, at no time of his life, can a Tradesman so much disgrace that character as by discoursing upon, and assuming a great portion of intelligence concerning these, and

* A rich merchant at one of the ports in the *Channel*, being asked to buy a certain horse for his son, and hearkening to his pedigree and good qualities, demanded, as a *sine qua non* of the purchase, that he should be previously taught to “carry his son up stairs into the counting-house,” that which was never likely to be accomplished, but the direct contrary, and there was *no bargain* : Mr. Freyer, however, was an *eccentric* in other things as well as this, which is no recommendation of a man in business, high or low, rich or poor, whether merchant, manufacturer, or shop-keeper.

similar pursuits. We ourselves have made it a point to cut acquaintance as soon as possible with all such, not from the foolish fear of any *immediate* harm, but from the more sedate conviction that evil communication might corrupt our manners. Such was the origin of our dissonance with Marcus Spree, the Hatter, of Cheapside ; who being of nearly equal age, (viz. 28,) and travelling from Newmarket with us, thought proper to turn out of the road to have a *race over the turf*; when we rejoined again at the turnpike-gate, his horse was ready to drop with the exertion, loaded, as was then the fashion, with a pair of heavy saddle bags.

There are a hundred other lesser methods, or bye ways, of carrying conviction, as regards property and fitness, to the mind of the principal person we have supposed friendly to his cause, besides our young Tradesman actually exhibiting the one, or recalling his recollection of the other ; upon which we shall not here descant further than to observe, that, at a dinner he may take with his patron, subjects may be introduced by way of anecdote or otherwise, incidentally as 'twere, illustrative of his former habits, occurrences in Trade, &c. *Talk*, concerning the state of trade, of the times, and such *general* topics as require no introduction or previous explanation, are always good vehicles for adverting to one's self and property ; as, enquiries respecting the best modes of employing *surplus* capital for short periods ; of something notable which happened during the apprenticeship of our junior Tradesman ; of marriage and its consequences, immediate and remote, of early and prudential matches, family connections, and the like.

These are the *little* methods, as we said before, like small shot in an engagement, but all contributing to the desired victory. But we cease these particularities ; for, although we love to be communicative, we wish to avoid prolixity.

By means of recommendations so obtained, and judiciously applied, a young Tradesman is certain of getting into that "credit," which we had presumed to anticipate, for sake of our argument, at the beginning of this Chapter, he already possessed.

BORROWED CAPITAL AND REPAYMENT.

23. Come we at length to speak of the means to be used by a young Tradesman in *getting together* a CAPITAL sufficient for all his purposes, and capable of meeting the exigencies of his particular plan and scale of doing business ; and as this capital is never found possessed in his own right, since his views ever extend beyond his powers, he must look about among his relations and friends for permanent loans of money. Happy will he be, however, and more conducive to his ease and comfort, if the Tradesman can control his ambition within the scope of his own proper means ; and, indeed, we have not hitherto taken our view of the subject in a more extended sense than his personal property would compass. But so seldom does it happen, that those two extremities of commerce, the accession of trade and the means of carrying it on are adapted to each other ; so prevalent and so strong is the spirit of commercial adventure among us, and so firm the conviction on the minds of most men,

that he who is incapable of executing every good order which presents itself, is a ruined man; that we see no escape from the dangers and expenses of borrowing, more or less, either permanent or occasional loans.

Of these latter description of loans we shall merely say, that they ought to occur seldom, though they bear no interest; for they constantly lead to expectations of a *return in kind*, which cannot be refused; and too often to another kind of loan which always terminates fatally whenever it is reduced to a systematic measure between two or more Tradesmen. This is *accommodation paper*, or acceptances without the requisite "value received;" a kind of assistance, which may with due care, help a friend over a difficulty, or a slack part of the year, or enable one to make an extraordinary purchase; but if those two occasions recur often, or last throughout an entire year, without ceasing to renew the bills, it becomes ruinous to one or both parties in the end, and this too at a period to be calculated upon agreeably to the quantity issued, and the facility of discount.

But from a man's own kindred, or a friend not likely to reduce him to the above risque, nor to the ingratitude of a refusal, we say, "borrow some, although you are morally certain you shall stand in no great need of such temporary assistance." For the holding of so much more *actual cash*, although for a *short time*, will add ten times as much to the reputation for stability of the holder, from the *demonstration* he will thereby be enabled to make (as above) of his *capability* of paying. Should he make

no other use than this of the money so borrowed, it is at least an allowable stratagem as to credit, but affording no other permanent good, besides that by the regularity of repayment, he will keep a friend *in petto*, when at any time thereafter an advantageous purchase presents itself, and he may stand in real need of temporary help. In no other point of view are such loans of any solid utility; some reject the opinion of their usefulness altogether, but we can never turn our backs on a good office that may be turned to advantage; in this instance the only danger lies in not safely investing the money, so as to be always ready when called upon for repayment.

Lastly, when it so happens that the new Tradesman *must* borrow permanently, we will not discuss *of whom?* but this we say, with the precautions to be used in this momentous affair, as we are intimately acquainted, so are we prepared to say, that upon taking them properly will mainly depend his success in his new undertaking. As in this supposed case, he has not borrowed without wanting to *use it*, and as money is much easier *worked into* a business than *extracted* from it, we here warn the reader against borrowing at all, *liable to an instantaneous recall*. A short period is no better. Let him consider how very awkward it would be, to see his dear friend the cash creditor walk into the warehouse or shop of a morning, demanding immediate repayment, and carrying off nearly all the ready money in hand at the time! How much worse would be his condition, should he fall short in mustering up the full amount of his demand, principal and interest?

Since much would now depend upon the *kind of instrument*, or acknowledgment of the debt, with which the cash creditor makes his demand, it will be equally apparent, and ought to have been foreseen, that full as much depends on the precautions used in giving that acknowledgment *at the time of borrowing*: according to the kind of security he holds will be the temperature of his demand. Therefore in this and every case that comes before him, whether of borrowed money or goods bought, our advice to the Tradesman is, “give the *lowest security in your power*,” that is to say, the most vague, that which offers the least facilities of proof in a court of justice, and even there, the least conclusive against him. Thus, generally speaking, he should prefer *parole* evidence before *written*; and if the former, one evidence is preferable to two, and none at all to either, *so far as the debtor is concerned*. With the like view he should prefer the written evidence of a book, and book-debts, to giving his acceptance for the amount;* and, finally, he would be more pleasantly situated when this kind of security is presented for payment, than if it were a bond accompanied by a warrant of attorney.†

If in borrowing money, in effecting a mortgage of his premises, or any ordinary transaction, the Tradesman has been reduced by the arts of lawyers to give a warrant of attorney to confess judgment, “for

* Higher up (p. 46,) will be found the *obverse* of this advice.

† The reader who is desirous of seeing more on these topics, may consult the first volume of Comyns on Contracts, Svo. chapters i. and v.

a due performance of covenants," as they phrase it, he has signed little better than a Shylock's bond, and ought not only to lose a pound of flesh next his heart for his foolishness, but the silly heart itself ought to be made a just sacrifice before insulted common sense.

This we say indignantly, and without wishing to inculcate dishonesty, most undoubtedly; for we shall hereafter see when that instrument is alone proper and necessary;* but looking forward with an anxious view to the consequences we had at first contemplated of a *hurried re-demand* and consequent exposure, if no worse, of the borrower's circumstances, which often leads to his undoing, we could not too warmly exhort thus early, and out of place*, a careful attention to the *kind of security* to be given for all manner of debts. When a debt is claimed under a *warrant of attorney*, and the money is not forthcoming, but the house is full of goods, the lawyer soon contrives to enrage the creditor (if he be not already in that unenviable state of mind) and the *selling up* then remorselessly begins; the signature to such an instrument has been justly likened to a death warrant, as it is, when committed to such hands for execution.

24. Borrowed capital should be taken up at a given number of years certain, even though the lender is the borrower's own father; for the womb of time contains so many and such a contrariety of events, that no one should trust his commercial existence to

* Vide Chapter III., Section 24.

the chances of what may be brought forth by its wayward throes. At the expiration of the stipulated time, say three, four, or five years, the borrower should have nearly *worked the sum borrowed* out of his profits, as may be calculated (else he ought not to have kept it a month,) or he ought to have worked into his creditors' books as much and a great deal more, simply by dint of the judicious application of that very sum when he first began business. Moreover, should the repayment be inconvenient at that time, he may go elsewhere to borrow with a good grace; inasmuch as the period of discharge, stipulated for at the time of borrowing, being about to expire, of course there can be no surmise that the re-demand has been hurried, or made in consequence of sinister events, real or apprehended. That is to say, if it be anywise necessary to bring the *new cash creditor* acquainted with the preceding transaction; if not so, then the discharge of the *first* creditor, simply changing the name to a new one, will have the same effect upon the borrower's *credit* as if he had actually saved so much in the course, and out of his business;—the judiciously impressing a given circle of persons with the conviction that his circumstances were improving, is the same thing, as regards his credit with that circle, as if the money had been saved out of business, and he so much the richer.

At the actual repayment of borrowed capital, there should be no *eclat*, no parade, on the occasion, as we have witnessed among lesser Tradesmen; for the Argus-eyed scandal-makers will even doubt, or affect to doubt, whatever the fact might be, whether payment had not been *forced* rather than voluntary, and hint

at "the great difficulty the borrower must have surmounted in raising the needful." Although when speaking of the particular event it might be thus turned to account against our Tradesman, not so were he to declare, in a casual way, before his keenest opponents, that "he is indebted to no one upon earth in borrowed money." The assertion would provoke either a keen inquiry as to the fact, or according to circumstances, a flat denial; knowing, or perhaps shrewdly guessing, as they might, to whom he had been formerly indebted for such assistance. The consequence of all which would be, that his credit would rise higher for having undergone the inquiry, or rather we would say, the ordeal of investigation. Such is ever the effect of adverse unfounded insinuations against houses of every degree of respectability whatsoever: the more considerable they may be, the higher do they rise in public estimation after rebutting the malevolent slander which would sully their reputation. Precisely in point is the *run* which took place (among many others,) upon the Bank of Down and Co., about twelve years since; when the speculations of one partner in Russia produce was said to have involved the house in difficulties. The falsehood, however, was disproved by the immediate offer on the part of the bankers to pay every demand upon them *instantly*, that which was done for several days and to a very large amount. Circular letters to this effect were sent by them to every creditor whose name appeared on their books; and the payments continued to a late hour every day that the *run* lasted. This was manly; and the immediate consequence was a return to the old and

steady course of business, and an universal conviction of the stability, honour, and integrity of the firm, which exalted it even beyond itself—if that were possible.

To conclude, it is to this well grounded confidence Traders have in each other, thus fairly, candidly, and legitimately begotten, that we are to ascribe the great degree of commercial credit which exists among us at home as neighbours, and abroad as a nation. On the continent of Europe, of America, and every where else, but in the British settlements, the total absence of credit on bills of exchange among the manufacturing and merely trading (or shopkeeping) orders and others, is felt and deplored; factitious remedies have been there applied and failed—failed to invigorate new institutions or resuscitate the old ones; * though we are persuaded no establishment whatever could possess the power of *creating* our boasted confidence of man in man. It arises out of the character of the country for probity and honour: we are even told from pretty good authority, † that at St. Petersburg “an Englishman’s word is held (to be) as sacred as the bond of any other foreigner.” On the contrary, the same sarcastic traveller, asserts

* In 1817 America adopted the plan of a States’ bank, but the bugbear lasted only a year. Amsterdam and Hamburgh, which boasted of their banks for centuries, have now no paper circulation but what is issued by Englishmen, who exercise most of the Cambian Trade of both places; the latter particularly, where the proportion of Englishmen upon the Exchange, bears nearly the same *ratio* to all others as is visible upon our own in Cornhill.

† “Observations on England,” by Oloff Napea, page 100.

“ every *Louis* in France is brought to the light once a week at least, either to prove the owner possesses it, or to supply his necessities; whereas, in England they send forth bits of paper, which pass current from hand to hand on the mere faith of their representing truly, either guineas in the coffer, or goods upon the shelf.”

OF WHOLESALE AND RETAIL CREDITS.

25. More than once we have insisted on the great impropriety of young men commencing business without adequate capital. This no one should attempt in a *retail Trade*, in which he will be expected to give credit, principally because this sort of credit is undefined in its duration and too soon he would discover, that payment for his goods would be required long before he could collect his debits together. Not so in those species of *wholesale* businesses wherein the credits are long, and the debits so well defined by his own terms, prescribed at our Tradesman's setting out in life, that he may be morally certain of meeting every demand that can be made upon him; always provided the amounts of purchases and sales are well adapted to each other, which may also be reduced to the nicety of a calculation by figures, if he can but procure any thing like an adequate custom for his commodities. Indeed, without having made tolerably sure of this latter point, we pre-suppose he would not have commenced business in the first instance.

Long credits are given in the silk trade, for gunpowder, books, and stationery, together with several

articles in haberdashery, as pins, hats, buckram, thread, millinery-goods, and some others; in most of which the first purshasers or dealers (called whole-sale) carry on a species of half-manufacture, by means of one, two, or more branches of sub-masters, from whom also some credit may be obtained. To those who do business in these branches—and there are some who execute orders in every one of them, and many more in addition, as toys, starch, lead, hair-powder, paint, blacking, slates, cutlery, walking-sticks, pencils, pictures, parasols, wax, and glue—a different term of credit is granted on almost every different species of goods. But, in these latter years, not one of the manufacturers or suppliers of those articles, has been fastidious on that score; unless when his necessities impelled him to a breach of all regularity, and every concession which usage had long sanctioned, by asking for early payment, and making the consequent sacrifices as to prices. A circumstance which has been invariably turned to advantage by these *first purchasers*; for, being hence the chief dispensers of goods in large quantities, those who came nearest to the actual consumers, have in general made their own terms with the makers or first suppliers of them, for several years past. In such wholesale businesses the Tradesman may make a tolerable figure upon a comparatively small capital; but he must bear in mind, that he ought to possess within himself the primer qualities of a man of business, (upon which we have so often insisted) in their very highest perfection, for he will daily stand in need of applying every one: they are activity, perseverance, acuteness, and an intelligent

mind. *With these*, little doubt remains of eventual success ; *without*, all of them in full vigour he will hourly find out something wrong in the machinery of his Trade. Bad debts, dishonest servants, burglars, comprise those of most fearful hue ; wrong orders, errors in accounts, disputes, law ; family wrangles, disobedience, neglectfulness, are the minor impediments to well doing, that, taken as a whole, are of as much importance as any concurrent good or evil, towards accelerating or retarding the operations of all Trade whatever, the buy-and-sell businesses in particular.

Add to these considerations, that two persons are more likely to succeed in a wholesale business than one, because while one partner travels the country for orders, the other is executing them at home, we have no hesitation in recommending this course, to all persons who pursue this line of Trade, as calculated to increase the chances of success. See further observations on this subject in Chapter VII.

Taking the precaution to fashion his engagements *at home* by those of his returns from *without*, and to pursue these with assiduousness, the wholesale Tradesman will not only be enabled to meet all his engagements at the usual credits, but also to buy *with money* at much reduced prices from necessitous manufacturers. This happens more especially during the earlier years of his being in Trade, before his capital has been completely absorbed in the usual concomitants of Trade, viz. dead stock, bad debts, or sluggish debtors, casual losses, extra expenses, and distant adventures. In a few years he will find his means straitened by those and other circum-

stances, among which probably may be reckoned the purchase of new premises, or a country-box and pleasure horse, (alas, the day !) when he will also have to exercise forbearance and moderation towards his debtors ; not forgetting, at the same time, great care and watchfulness over his own interests, and the employing much energy, in bringing them *to book*, these things duly mixed, being the wisest means of procuring payment of twenty shillings in the pound. Hereon we shall have to say more in the succeeding pages ; and concerning the preparations for, and conduct of, suits at law, when at length that course becomes inevitable, we have devoted one succeeding chapter, as better suited to the importance of the subject.

26. Junior Tradesmen universally fall into the mistaken notion, entertained by some few who are older, of considering all their book-debts as *good ones*, although most of them have many months to run * before they become payable or demandable.

* *To run*, is also said of the *time* upon a bill which must expire before it is *due*. “ *A running account* ” is that series of small debts which takes up a certain *time* to contract, and is always regulated from period to period, as from Christmas to Christmas, or from that feast to Midsummer, the one being an annual running account, the other a half yearly one. So are there *quarterly* settlements ; all are called *running*, or *current* accounts, and at the termination of each period are adjusted generally by bill or bills. A few trades settle such accounts by payment in cash at a given prompt day ; or, if payment is made by other assets in hand, the difference of interest is reckoned and deducted. *Current* and *running* have the same meaning ; the first word coming from the French word *courir*, to run, and its participle, *courant*, and is applied to

Thence he is led, upon taking stock, or making an estimate of how much he is worth, to calculate his grand balance too high. Any undertaking, therefore, which rests its basis on such a calculation, would be worth so much less than its cost, than the insurance of his ways and means tells him his bad debts amount to; or, than the interest of those debts, added to the accumulated price of risque that an admitted proportion never will be paid. Bankers make a practice, in the ordinary routine of business, of discounting *paper* at two months, and for no longer period: if an aid is afforded for paper of longer time than that, *another operation* must take place, which tells as plainly as words can, that not only compound interest has been charged, but also something for the risque.

To ascertain this, let our Tradesman reduce any part of his book-debts into Bills of Exchange, say at four, six, eight, ten, or more months after date, as the case may be, and he will find upon taking them into the market to be discounted, that simple interest would be an inadequate inducement to procure cash for one of them. We infer from this and other facts, that a man who is good to day, although he may be presumed good two months hence, yet our contracted foresight goes no farther, and the chances exist that he may not stand for *four* months, and the insurance for that time is worth a quarter *per cent.*: in bad times, rather more. Bills at six months would *appear* to be

book accounts only, when the verb changes place with the noun, and we say *account current*, whereas, *to run* is applied chiefly to bills coming due.

worth double that *per centage*, or ten shillings ; viz. *nothing* for the first two months, five shillings for the second two months, and five shillings for the third two months. But no : if the second be worth five shillings *more* than the first, so is the third worth *five more* than the second ; and ten shillings *additional* is the price of insuring the risque upon the *third* two months. Yet, as the insurer for a sheer insurance, might keep back the longer period until the first was nearly expired, a small drawback would be allowable, and fourteen shillings per cent. becomes the fair price for six months guarantee of undisputed trading debts. Eight months bills would be worth considerably more, but not in the same *ratio*, i. e. not twenty shillings for the fourth two months, or thirty-four shillings per cent. for the whole ; because, it being incidental to Trade, that at every periodical return of six months, falling indistinctly and rather inaccurately, somewhere or other twice within the year, a strain, if not a shock, is given to every concern which is engaged in inland transactions,* the conclusion is drawn, that it may proceed well for another six months at least ; so we reckon that a house, company, or firm, which has stood for a great number of years, is therefore likelier to last a good while longer than those of recent establishment. The chances are greater against any given house, when common rumour tells

* At each return of twelvemonths, this strain is rather more distinctly felt ; in some trades its accuracy is very great, coming round annually to a day or two. Christmas is the commonest period ; but we know one very numerous calling, in which it falls a week or two before Midsummer, and the lesser pinch is felt early in December.

it has been hit by bad debts, or our own observation goes to the probable conclusion, that their speculations, careless mode of doing business, or in-economical habits, tend to the same source of misfortune. With the consequent decrease of risque upon the fourth two months, more decrease upon the fifth, and more still upon the sixth, our calculations end; for the long credits upon such articles as, 1. raw silk, 2. printing paper, 3. gunpowder, and 4. books, terminate hereabout.* Those given for investments to India, and dependent upon the voyage and return, although usually twelve months after date, are not always fixed to that point, nor certain pay at any given time.

To what extent the risque upon debts of longer duration may be calculated we know not, but we notice the publicity of a court of law is now given to an undeniable bond of £20,000, for an average of seven years, granted for a real mercantile transaction, which was sold, at a few months old, for 10*s.* in the pound, or £10,000; which leaves £5,006 18*s.* as a *bonus* for risque, after reckoning an half yearly compound interest, sinking those few months, as they are not explained, but taking in every other complexity of the *modus*.

* The two first transact business by acceptances at nine months, regularly; gunpowder makers give twelve months parole account; and the fourth settle by four consecutive bills, ascending by series of four months each, to sixteen months, or more, but the average generally falling on ten months: heavy stocks of books, wherein each article is numerous, often are sold at twice or three times that length of credit. Running accounts of six months for odds and ends, are settled at three months.

From those data, the proportion bad debts bear to good ones may be tolerably understood, and it follows, that no more than the residue can be relied upon as ultimately receivable; add to which consideration the other, that, according to the state of the times, many or most, even of the good people, lag in their payments, and the conclusion to be drawn is, that nothing is more uncertain than the receipt of book-debts. Hence our wholesale Tradesman will learn, if he be not too opinionated, how much it becomes an indispensable piece of management in his finances, to keep at hand a surplus of money at all times to answer the exigency of momentary calls, that often occur in consequence of disappointments on the part of needy or sluggish customers, who cannot pay their engagements at the stipulated period. With this in view, he should be chary of his payments "on account," before those accounts become due; the which, although a measure highly creditable and advantageous in the light we look upon it elsewhere, yet may it be carried too far, either through the *vanity* of making early payments, the desire to obtain the money-discount *for so much*, or the *fear* of remaining too deeply indebted to some one or more persons. Modest Tradesmen are most likely to fall into the latter error, than which, or too much bashfulness, there cannot be committed in trade a less excusable blunder—of the minor sort. We would say to such Tradesmen as these—"Never fear being credited too largely:" to *make sale*, and sell *safely*, are the best correctives of such credits, whether the goods made sale of are

payable in time to meet those credits or not. If the latter, there are other ulterior measures to be taken, of which we shall speak in the sequel.

With those maxims and precautions well imprinted on their minds, many men have succeeded in business admirably, under our own observation, who had but small capitals to begin with,* some of them (more blameably) none at all. Of these, we have marked the progress of a few, and noted the points conducive to success, with unmixed pleasure;

* A. B. came to London in 1795, without any other recommendation from the house of his apprenticeship, than a service void of reproach entitled him to.

He possessed no extraordinary claims to distinction at setting out, but finding in London a larger field to exercise a talent for quick perception and industry, he soon stepped over the heads of the other warehousemen, or clerks, by dint of superior adaptation (we will say) to his calling. Four or five months, was a short space of time for a country *boy* of one-and-twenty years, to make his way through the pretensions of five or six men older than himself, but this it was that drew attention upon him. With the reputation thus acquired, and a small capital (somewhere about three hundred pounds), he in about as many more years thereafter commenced business, and by carefully providing that the credit *taken* should always be more than that *given*, he, in his *second* year, did business to the amount of ten thousand pounds, in the *third*, it reached to nearly half as much more, and so it went on, progressively increasing from year to year, as we apprehend and believe.

In this manner he got into trade, and he obtained credit, but he was not yet "*in full credit*," according to our acceptance of the words; for he could not walk into any one's warehouse, or rather every one that he chose to enter, and order home to his own such goods as his judgment told him he could advantageously dispose of again. He did not get into business in the proper legitimate

it is but fair to add, a far greater number of such adventurers, who have come under our notice, failed of complete success, and some few totally. Two examples of the first mentioned, we subjoin, as clearly illustrative of our position, that "Credit is money,"* and, being well managed, is superior to capital; in both cases all that was achieved, was brought about by dint of fair character, and industrious habits acquired in early life.†

manner,‡ and was therefore under the necessity of coming into full credit by sinuses, or subtle management, which, after several years had passed away, he was enabled to do by a display of his acquired wealth, and that kind of deference which the exercise of an extensive and successful trade was certain to diffuse on all around him.

Very little differing from A. B. was the like efforts of H. and I., who began business with much less *money* than the last mentioned. (*Capital* we will not call it.) They travelled over the country with an article prepared and packed to their hands, upon which they received a credit of *twelve months*, adding to this several other articles of various shorter credits, together with some commissions, undefined as to *time* of payment; and they sold the whole with the understanding, that the recalls should be made at the end of every six months. In this speculation they were attended by success commensurate with their exertions: their first expenses consisted in nothing but the outfit for the journey, and subsistence. They had no expensive lease to pay for; nor were they entrapped into a showy display of a decorated *front*; not a single gewgaw to catch the eye or delude the understanding; but they were content with a simple warehouse in an obscure corner, and by dint of perseverance and integrity have made that progress in the world which their exertions merited.

* Vide *ante*, Sect. 14.

† INTRODUCTION, page viii. *et seq.*, and Chapter I. p. 2 and 3.

‡ According to our idea of the matter. See Section 23.

27. Besides the wholesale traders just spoken of, there is a numerous species of them who travel for orders round London and its vicinity only, and a variety that travel not at all. These are men who having bought goods *in gros*, and divided, arranged, or altered, and assorted them with other goods, dispose of the same to other smaller dealers and retail shopkeepers. The articles are comprised under the following heads:—1. Groceries, (sugar, tea, figs, spices); 2. Silks, (raw, thread, ribbons, bandannas, which they buy *in the grey* and get printed); 3. Cotton goods (as hose, Scotch and Manchester manufactures, India piece goods); 4. Norwich manufactures (as bombasins, shawls, &c.); 5. Irish linens, poplins, stuffs, woollen cloths; there are also, 6. wine and coal *dealers* (calling themselves *merchants*) jobbers, (*pseudo* factors), and dealers in several other like commodities. All the businesses of those classes vary to the extremities, in magnitude, degree, or extent of dealing, according to the capital and energy with which they are pushed; many of them assume to stand one degree or step higher in the *order of trade* than they are actually entitled to; nearly every one sells upon credit that is precisely defined; but not one of them condescends to vend single articles to the public, as do the *merchants* of Scotland, France, &c.*

Most of those traders, as well as these which follow, sell by *sample*, and take their journies periodically, a very few carry pictorial representations of their goods, as hatters, tool-makers, &c.; about an

* See Introduction, section 3: the definition of Trade.

equal number carry their goods in *bulk* and sell them by hand, as lacemen, jewellers, ribbon-dealers, trimming and flower dealers, &c. They drive trade somewhat similarly to others of their own denominations in the retail trade, except as to bulk, and varying among each other in quantity, from the most trivial sums to the most extensive amounts: they are all of them occupations much easier taken up and exercised (as far as knowledge of the articles is concerned), are conducted with much less risque, generally at smaller expenses, as to premises and servants, than any retail business of respectability of the same denominations. They are likewise easier brought to a close and laid down again, those of the six classes, than any other; for we have seen persons of every one of those trades, who have started out from the contracted sphere of a retail shopkeeper's trade, or arisen up altogether as from the earth, and having shone like a meteor for awhile, say two, three, or four years, sunk again to their original insignificance; those of the *first* and *third* classes oftener than any other.

Tobacconists, cheesemongers, and buttermen, curriers, druggists, hardwaremen, booksellers, and stationers, hop-dealers, and a few others, who deal *in gros*, similarly to the forenamed, and in the same *style*, exercise very little of this travelling round London with their goods (though they must and do go after their accounts in town, and travel the country) but trust to notoriety, and perhaps to circular letters, for the desired demand for their respective commodities. Unless, indeed, we except those who having produced new articles of manufacture or

the arts, in their particular line of business, announce the same in the newspapers; but with the catalogue of the names of all these particular trades, to which advertisements are an indispensable expense, we shall not swell our pages, since they must be obvious to every one who reads the public journals.* We have another reason for avoiding so much dilatation in this particular; *viz.* because it never formed any part of our plan to enter into minute details respecting the mode of conducting *particular* businesses, unless that course tended to illustrate our exposition of the *rationale* of trade in *general*.

28. But to one very large class of Tradesmen, nearly five thousand in number,† in many respects

* But this method of obtaining publicity, and a good sale for commodities, is not confined to those trades, nor in fact to trade in its most extended sense; but is adopted (notwithstanding the prejudices formerly entertained against advertisements) by all the professions. *Physicians* advertise the sale of their *theses*, in order to obtain custom (*practice*); *Clergymen* are advertised in the newspapers, and in placards, to preach on a day certain, and the more to attract customers, there is also announced what *music* is to be performed during the intervals, or breathing time. The advertisements of Quacks are as notorious as they are disgusting; and *Attornies* often seek popularity, by advertising Reports of Actions at Law (a little garbled) in which they are engaged; or by announcing, at an useless expense to the estate, the meetings of creditors for proof of debts, in commissions of bankruptcy, under which they may be employed as solicitors. See Chapter I. Section 13.

† We are aware that the number of Brokers admitted and sworn of the city of London, agreeably to the law of the 6th of Anne, and 57th of Geo. III. amounts to no more than 1300; but this only proves that men will act as Brokers contrary to existing laws,

of peculiar habits, and in some measure connected with or acting upon every other Trade, whether mentioned or not in the preceding pages, an entire chapter shall be devoted in the sequel: these are the brokers, factors, or salesmen, who sell, by way of agency, the property of others; some of whom practise more or less in the *line* of business to which they are professedly attached;* while others again are mere excrescences of their callings, and a few but anomalies of the occupations to which they seem devoted.

Agents (which we take to be the *general* name for all brokers, factors, and salesmen,) are entitled to this separate notice, not so much by reason of their numbers, or, on account of the important nature of their functions, as to the quantity of property passing through their hands, but because they make no part, and therefore are left out, of the consideration we have bestowed upon the actual *owners of that property*.

ARRANGEMENT OF TRADE INTO ORDERS.

29. Without wishing to create unnecessary distinctions, or to raise comparisons which are ever

without the necessary formality of an oath, or the proper securities for good behaviour, a bond of £1500, and all this in the face of a penalty of £100 for each offence. Let any Tradesman in actual business consult the list which hangs on the North side of the Royal Exchange, and he will discover about one name in four of those he may know who practise as Brokers, Appraisers, &c.

* They are bound by oath and bond *not* to exercise Trade upon their own account, under a penalty.

disagreeable, unless they can be brought to answer some good purpose, we shall proceed shortly to give the definitions of the Orders into which trade, generally speaking, may be divided. The distinctions here set up we have before adverted to; they will answer our purpose in a two-fold capacity at a subsequent part of this work; and, in the present stage of it, must be useful as comparing the pretensions and assumptions of some to rank with others, who may be allowed by the general voice to be, or actually do, stand higher in the scale. Higher and lower, however, are but relative terms, that neither confer honour, or have the power to degrade; every trade, occupation, and calling, being equally honourable, while its professors continue to demean themselves by the dictates of honour; but when men assume to be *manufacturers* who are only retailers, or *merchants*, who are mere jobbers or hucksters, while a vendor of old clothes is dubbed "salesman," a dealer in old furniture is designated a "broker," and a fellow who runs over town with a piece of woollen cloth upon his shoulder, assumes to be a "factor," it is both useful and profitable to assign to each a title agreeing something better with his proper station in society.

TRADE, in its more general sense, is the acquiring a profit or increase, either in money or goods, by the sale or exchange of property, or by labour bestowed upon creating property. But he who gains money in the lottery, is not therefore a *Tradesman*; nor does fund jobbing, nor many other capricious modes of obtaining money or advantage, constitute Tradesmen, any more than the carrying a

letter for a shilling, or finding a guinea in a gutter, confers that title upon those who are so engaged. We are not less positive that the first characteristic of trade is profit, than that the profit of an honest trade should be reduced to some rules, or subject to fixed principles; all irregularity being a deviation from the best interests of trade, and much deviation a total departure from the practice, and undeserving the name of *trade*. But, on the other hand, the fluctuations which attend the *price of risque*, and casualties of imported goods, occasion allowable variations in the profits taken by those of the *first order*. So of manufacturers (or the *second order*), when a fashionable article is produced by them, the sale whereof extends to a few weeks only, the profits *per cent.* must be large; because at the termination of *the rage*, the goods left on hand with all the preparations for the production thereof, are almost total loss; the aggregate of the whole adventure has not produced an exorbitant profit, probably.

To this last described order of trade, mankind have given the name of *maker* or *manufacturer*, because he forms the articles which are the final objects of consumption, of trade, and consequently of profit; on him who brings in the raw material, or other foreign production, (technically termed *produce*) the title of *merchant** has been conferred, and the goods while *in gros*, or undivided being termed *merchandise*: but he who comes in contact

* Evidently derived from the Latin word *mare*, the sea, and bearing out the conclusion, that those alone are *merchants* who are engaged in shipments *per sea*.

with the consumer, or nearly so, retains by common consentment, the radical name of *Tradesman*, and he is, strictly speaking, the only Tradesman. He it is, too, through whose hands the goods furnished by the others, pass in endless variety, in minute profusion, and at the *steadiest rate of profit*; which last we propound to be, the chiefest criterion for judging of what trade is, and what it is not.*

In the ARRANGEMENT OF TRADE INTO ORDERS, which we here offer with some confidence, error may probably be discoverable, improvements no doubt will be suggested, and although we expect dissonance of opinion, we do not anticipate a charge of misrepresentation or perversion. The utility of such an arrangement, should it be questioned, will be felt in the progress of this work; and we are sanguine enough to hope will recommend itself to adoption, wholly, or in part, by future writers on the Philosophy of Trade and Commerce.

There are SIX ORDERS of Trade, *viz.*

I. MERCHANTS, men who export either the raw produce, or manufactured goods, or money, of one country to another, and dispose of the same by sale or by barter, and with the proceeds procure *return*

* The question of the quantity or *rate of profit* proper to be put upon each kind and quality of goods, as to what they will bear without extortion, agreeable to the briskness of demand, the looked-for losses by change of fashion; and deterioration by time, or the seasons, should undergo frequent revision, as involving some of the best interests of trade, in its due adaptation to the actual state of the markets. At Sections 20 and 23, we took occasion to advert to the practice of charge and overcharge, to which the reader is requested to turn back.

cargoes of the produce of that other country, which they carry home and sell for inland consumption, or for re-exportation to a better market. As the great bulk of these imports consists of raw materials, they are either vended to the *second* order to be converted to other purposes; or to a species of middle men also termed *merchants*, by courtesy, who frequently become monopolists in their respective line of dealings: these are denominated either corn, silk, iron, oil, sugar (or West India), timber, wool, tobacco, hemp (or Russia), cotton, or coal *merchants*.

II. MANUFACTURERS are they who are engaged in changing the shape and name of the raw material, in whatever degree, as bar and pig iron *into* rods and railings, hemp into rope, rags into paper, wool into worsted, &c.*

In our view of the distinction that exists between this and the next Order, a brewer and a distiller, a sugar refiner, and a silk throwster, are strictly manufacturers; but neither the rectifier of spirits, or the refiner of oil is so, since these only change the *degree of fitness*, without altering the shape, name, or appearance of their respective commodities; these therefore belong to the next Order.

* The importance of these in the scale of trade is so obvious as to render comment a work of supererogation, since, without the superior art of the manufacturer, they of the first Order would not find purchasers for their raw commodities, nor be able to satisfy a foreign demand with manufactured goods: without these in all their variety, and in some degree of perfection, the Tradesman *proper*, of the next Order, would be curtailed in the sale of articles for home consumption; it is to the perfection of these, that Britain owes so much the great demand for her productions in foreign markets.

III. TRADESMEN, strictly speaking, are those who *buy and sell** only, and are either *wholesale* or *retail*: those to whom goods are sold in a state fit for sale, and who perform little more than cut out, pack, or divide and dispense the articles confided to their care. In this view not only drapers and grocers, but haberdashers of hats (hatters), of gloves (glovers), stationery, and umbrellas, as well as oilmen and cheesemongers, are Tradesmen, and not any of them manufacturers, because they change not the shape and appearance of the articles of their respective trades; but having, *at most*, bought their goods in a merchantable state of half preparation, they employ various submasters to finish or alter the same; but should they do this work themselves, the case is not altered in the least.†

In this third Order are to be found the great bulk and sinews of the nation, as regards its trading character; being more numerous, equally intelligent, and in the aggregate equally rich and respectable with every other.

IV. This Order comprises 1. CALLINGS, and 2. OCCUPATIONS; and the major parts of those who

* See definition of the word Tradesman, as it is taken and accepted in other countries, and in the various provinces of our own nation. Introduction, Section 3.

† Tailors and tobacconists belong to this order, if they keep *shop*, although each makes up entirely the article in which he deals; as does the hosier, notwithstanding he may employ one or two weavers, weaving near his shop door, to attract silly customers, who make about as many goods in a year as their employer sells in a day. But when the tailor or tobacconist does not keep open a shop, the first belongs to the *fourth* Order, the last-mentioned is a manufacturer of the *second* Order.

properly belong to it, imagine they make part of the *third* or some other order; but they are not *Tradesmen*, although the *callings* of some, in the *first* place, or the *occupations* of others, in the *second*, would seem to warrant them in taking that station, on account of their bulky businesses, or lucrative concerns.

First, Bankers, Pawnbrokers, Wharfingers, Schoolmasters (of drawing, dancing, fencing, grammar), dealers in quackeries, horse-dealers, lightermen, coach-masters, and some others, notwithstanding they may be, and are for the most part, rich and respectable persons, nevertheless are not *Tradesmen* by reason of exercising those *callings*; because they either sell no goods whatever, or obtain a profit more or less capricious; yet, those are *callings* or constant avocations, in all of which it requires to be previously instructed, in order to make the necessary progress in life; whereas the following among others, are mere *Occupations*, which require no particular training, but are easily taken up, changed from one to the other, and laid down again. Such are,

Secondly, Shell fish dealers, green grocers, hucksters, licensed publicans, eating-house keepers, office keepers for the lotteries, for newspapers, for coaches and waggons, for servants, for bankrupts, and other such offices; so secretaries, actuaries, or collectors of debts, and town residents for provincial factories or companies, as copper, iron, water-works, bridge, or mine companies; for linen, cotton, hardware, cloth, and silk factories, belong to the second subdivision. These are but *occupations*, as are a great

number of others, which we do not include in the enumeration, since they must be obvious at first sight, and might be considered degrading in the association.*

V. The LEARNED PROFESSIONS form a separate and distinct Order, in which may be included all who live by their learning, or mental acquirements, or the superior application of their minds to the philosophy of any art or mystery, as mechanics, chemistry, &c.

VI. AGENCY business forms the *sixth* Order into which the operations of trade and commerce is divided, and shall receive a separate and extended consideration hereafter.†

* If it fell within the scope of the task we have here prescribed ourselves, to notice such as do not carry on trade *independently of others*, we should arrange with this *fourth* Order in point of respectability, the mere mechanics, handicraft piece-masters, or arts-masters, who work upon or partly manufacture the materials of other masters, at their own homes, by the piece or tale, and receive payments weekly, or at other short intervals, which mark their dependence and inferiority; and yet the master and the men both receive the same denomination; although to set up in trade with the one £200 perhaps shall be amply sufficient, while the other requires from £1000 to £3000, to make a handsome beginning.

† By an Act of Parliament (Anno 3, Jac. I.) for the establishment of a Court of Requests in London, the suitors in that court were denominated "Tradesmen, Victuallers, and Labouring Men." This was in 1602; and is the earliest attempt at classifying trades we have met with.

OF DEBTORS AND BAD DEBTS.

30. In the course of our inquiries hitherto, among other important discussions, we have seen how credit may be *sustained* and *improved*; and not only this, we ventured to detail the manner in which we have known it *created*, and to insist upon its value being far above *money itself*; inasmuch as credit can be extended or curtailed at the option of the possessor, while cash dealings contract the sphere of speculation, or act as a weight upon the eventual profits. Money bears interest whilst lying in the coffers, or, what is the same thing, inverted, would obtain it, if taken out; whereas, credit suffers nothing by being a little at leisure, but, on the contrary, improves by disuse. Come we next to examine, how it may be injured or destroyed the most effectually; having already spoken of *overbuying*, (or bad bargains) as one means of bringing about that most undesirable termination of a Tradesman's labours and anxious cares, we shall shortly proceed to develope the chicaneries and mal-practices of others, that tend to accelerate more rapidly his final ruin, if not guarded against in good time.

Bad debts, in the ordinary acceptation of the word, and the thing itself would imply, such false hits, mistakes as to the debtor, or his unlooked-for defalcation, as no human foresight properly exercised, could well avert. To these we shall *first* direct our attention; in the *second* place to such debts and debtors as bid fair to become bad; and, *lastly*, to such as it may be justly concluded never

did intend to pay for the goods they may be permitted to take upon credit. The two first may be guarded against, and come into the estimate of every Tradesman at his commencement; but the latter, or nefarious class, no man reckons upon meeting with, or if he does, he has so good an opinion of his own discernment, that he fancies he never can be deceived by them; yet none are so easily duped as such conceited Tradesmen.

Bad debts of every sort, as well as bad bargains, environ the young Tradesman more than the old established one, in the exact ratio, that he is found pushing his trade to its extent, or retaining it within the bounds dictated by prudence and sound discretion. As he is free, open, generous, and unsuspecting himself, he expects the same qualities in others, and in fact these do engender the same feelings in honourable minds. But then the cogent question here arises, is it with honourable men he is dealing? or, if honourable, have they not sustained losses, or a run of ill luck, or disappointments, or engaged in expensive habits? all which, as they drain the pocket, change the nature of man in a trading point of view, and convert him into a dangerous debtor. It is not well to be always suspicious, and murkily brooding over the evils of others; but it becomes the bounden duty of every Tradesman to note the false hits and the misfortunes of those whose names occupy the pages of his ledger, or whose acceptances he either holds, or has sent into circulation. It is the perfection of *credit* to know when to withdraw it in good time, but not too soon, as it is the *acme* of trade to preserve it from losses of every kind: those which

spring from the misfortunes and the sinister designs of others, we purpose here to discuss with freedom, and to point out the land-marks whereby they may be avoided, or their evil effects considerably abated. More information may be obtained by the perusal of Chapter III. principally Section 12 to the end; by reversing these arguments, the reader will of course invert the view we have taken of an unfortunate man struggling with his difficulties, and the evil effects of law, and make an estimate of what proper measures he may then put in practice.

31. Some of the most difficult to guard against of all the defaulters in Trade, are those who by long acquaintance, and by long dealings, have established some claim upon our commiseration when at length they begin to totter; the junior Tradesman will find the same difficulty with regard to those customers he may have detached from the old concern, from which he himself emanates. These shall be persons whose payments, probably, during the years of his servitude, were exemplarily regular, and their credit unimpeachable, and they therefore become less the objects of his anxious solicitude, when at any time he looks over his ledger for the purpose of brushing up the memories of such as lag behind in their payments: so commanding of respect are names of long standing, or of antiquity, let the hollow philosophers of the new school say what they please to the contrary. The consequence of all which is, that, as some of these ancients must at times experience the vicissitudes of Trade, and become defaulters, the persons who continue their deference for such the longest,

are certain of being "let in," as the phrase goes. To avoid this undesirable termination of their dealings, it behoves our Tradesman to be extremely circumspect in every negotiation with his old friends, even in *receiving security* for his original debt, if that debt is to be increased by the transaction; he must make up his mind to sacrifice a portion of generous feelings, with those of gratitude (alas!) to the certainty of being placed at the head of a list of creditors; an honour by no means congenial to the unsuspected nature of his own credit; for the elder and more wary people in Trade, it has been observed, whatever their *professions* may be, shun the dealings and the company of others who have been "hit hard" by a bad debt, much in the same manner as is served the stricken deer in Natural History, who receives from each of *his* old friends a butt or two of the horns at parting.

When the debtor arrives at this stage of his misfortunes, his creditors usually push for the settlement of their accounts; and in the degree that this is done with judgment or otherwise, will be the chances of succeeding in their purpose, or of being defeated by their own acts. The precipitating a number of lawsuits upon the unfortunate man, is the readiest way of arriving at that end, and of finally accomplishing his ruin;* but, as the consideration of the proper steps to be taken to avoid both the one and the other,

* Whoever may be proceeding against a debtor for recovering payment, and brings others acquainted with the steps he is taking, runs the risque just contemplated, of bringing other creditors upon the debtor, and thus defeats his own purpose.

involves the *legal* sense, more than the mercantile point of view of the thing, we postpone to the earlier pages of the *third* chapter, what we consider necessary to say on this very important part of the subject of credit—*reversed*. Meantime, to the creditor who may wish to take *goods* for his debt, but who already knows, that a commission of Bankruptcy, in its retrospective effects, would compel a settlement for these with the assignees in money at the invoice prices, which leaves him worse off than if nothing had been attempted ; the information must be desirable, that this may be brought to pass, without incurring that risque.

The debtor, it may be presumed, without any great stretch of the understanding, has neither money or bills by him, with which he can or will discharge any demand that may be made upon him ; but usually “ laments the total absence of both,” and, by way of soothing the creditor, he generally expresses the wish that he had either the one or the other on no account so much as that the applicant should be paid. This is the common strain of expiring abortive excuses ; since every creditor represents his case as the hardest of the whole list, feeling as he naturally must for his own losses more keenly than for those of other people ; and, as an echo to his whining, the debtor seeks to conciliate him by means such as those. At this stage of the conversation, either spontaneously arising, or introduced purposely by the creditor, the latter may have at hand a purchaser of goods previously prepared for the occasion, whose stability he can vouch for to the desired amount, and whose acceptance he himself would not hesitate to take in pay-

ment. This agreed to, the bargain made, the goods delivered, and the acceptance given, forms the first part of the transaction; which is rendered fully available to the creditor against all subsequent inquiry, upon its being charged to his account against the debt due to him. Should he hold one or more *unpaid* bills of the declining debtor, which can be extinguished by this mode of exchanging one bill for the other, the effect is the same, but the transaction to be valid, should be made a complete one within itself, and being put down upon a slip of paper, which is proveable by witness, no law nor precedent now in force can touch so as to alter the property in the bill so handed over, nor of course in the goods which it represents. All that is thus preserved is clear gain.

Farther than this sort of proceeding no man is warranted in moral justice to push for preference; if his word has been pledged to forbearance, and no other creditor is pressing the unfortunate man, he has given up his right to act differently from the body of creditors. This is a position as clear as any other moral obligation; for, if a man has consented to take a dividend upon the effects, share and share alike with others, and *afterwards*, by any contrivance whatever, possesses himself of any part of those effects, or the proceeds thereof, he has acted dishonestly towards his co-creditors. Yet such men do exist; and we shall come presently to name a few as examples to all the rest: we have recourse to this mode of elucida-
tion (as the most perfect that can be adopted) without feeling either pleasure or fear; our apology will be found in the good effects produced hereby,

if it be not impressed upon the reader's recollection, by what is already said in *the Introduction*.

32. Crime is of two sorts, that which is *moral*, and that which is *legal*. When it is of the latter, but not universally allowed to partake of the former, the *law* which constitutes it *crime*, is a statute. All other is common law, and ought to be regulated by the dictates of common sense; but to this moment, no law exists for certainly punishing a species of commercial robbery, as practised in London to a very extensive amount, when the means of accomplishing it has been sufficiently guarded against certain legal points, although the *matter of fact* is most clear and unequivocal. Its general name is, "obtaining goods under false pretences," the property of another, or others. Very seldom does it happen, the proof can be brought home to the offender; never, indeed,* when his offence has been for a large amount, the lesser criminals only being *proveably* guilty.

There are various degrees of guilt, recognised by the general voice of *Trade*, but not prosecutable *according to law*, rising in the scale of moral crime; but not punishable by legal process. We noticed in the last page the lowest link in the chain that connects commercial fraud and downright robbery; and which consists in obtaining preferences over his co-creditors, by a rapacious creditor coming down upon a tottering Tradesman, and obtaining payment in full out of that property which of right belongs to the

* Until recently, in the case of Mozeley Woolf and others; see farther onward for the details of this case.

whole body of creditors, as soon as the debtor is unable to pay his bills, or eludes the lawyers. Although this may be accomplished by *due* course of law, the matter is not mended ; a warrant of attorney performs that in an hour, which an action at law, with its counter pleas and rebutters, takes six months to bring about, and both have the same effect. The men who commit this species of sharp action, hug themselves upon their cleverness, smile and prepare for a repetition ; and so does the highwayman when he first demands a few pence to buy him a breakfast, as well as he who buys stolen goods.*

Next in degree (which is as far as we shall follow them, *systematically*) are those who induce a defaulter in Trade, to incur debts with others that they themselves may take the goods so obtained in extenuation of their own debts, &c.† Not a whit better is he who knowingly accepts this mode of payment, though he has not *suggested* the measure : we adverted to the former mode near the head of this chapter ; the latter was illustrated by the disclosures made in an

* See Section 34.

† This is but one degree removed from the practices of the large job-buyers, as noticed at page 4, *Note* ; again under the head of "Irregular Trading," and in the extract from another work at page 107, which, compared with what is said in the latter division of the *third* chapter, forms a concatenated view of fraudulent arts, which requires but the *study* of our next Section, and the 36th following, to form a true estimate of, and to communicate the proper disgust for the over keen, not to say, *dishonest* persons therein truly depicted as devolving out of shirking Tradesmen with their heads above water, to rank Swindlers, with their necks in the halter.

action at law * to recover the amount of a pipe of wine which had been *sold* by one Williams, of Picket Street notoriety, to a Draper in Holborn, and by the latter 'placed to account' against goods overdue and a returned bill. Verdict was given for the plaintiff in this case, to the great surprise of numbers in court who make this sort of knavery a part of their practice; but with whom it seldom happens the facts are so flagrantly proveable; and it must be added, what we never shall be tired or ashamed of repeating, that a roguish trick is not less to be deprecated because its graver points happen not to be proveable in a court of justice.

SWINDLERS' ARTS.

33. *False character*, positive or implied, is another means of *obtaining goods* which are never intended to be paid for.† The wrong character which is given

* In the King's Bench, sittings after Trinity Term at Guildhall, 1816. For this information we are indebted to a little book, entitled "The London Guide," (See Section 36,) a work we would praise, if our readers were among the novices to the *frauds of London*; but as we are indebted to it, not only for this piece of intelligence and much that follows in the next pages, but also for an introduction to F——r (Mr. Futtner) mentioned at that page, from whom we received much interesting and faithful detail, this notice seemed alike suited to our duty and inclination.

† "No man feels the want of character so much as the Swindler; or laments its absence in his speculations when foiled, or is more waspish in defence of its latent particles, as they fly off in the prosecution of his negotiations. The man of sterling credit, on the contrary, upon finding the least let or hindrance to the completion

by one impostor of another, is easier detected because not so subtle, as the *good opinion* which some shrewd rogues contrive to infuse into respectable houses, by paying cash for a few parcels, by actually depositing money at the bankers, and inducing these to accept bills, and to speak as to the nature of their account ; a series of schemes which have all been put into practice by a junto of Jews, who succeeded of late years in defrauding manufacturers and wholesale houses to a ruinous amount, and whose misdeeds, some of them, came to light and were visited by punishment in Easter Term, 1819, of which more here-

of a bargain, relinquishes the purchase with silent indignation, and says (or thinks) ‘ you may keep it yourself’ for aught he cares about you. The Swindler defends himself, and his credit (creditableness) most pertinaciously ; demands the grounds of refusal ; offers more references as to character, and shows the cloven foot of his calling, by insolent insinuations against the vender.

“ This sort of reference for character is their favourite mode of bolstering up each other. It frequently happens, however, that the party referred to is not a whit better known, or of longer standing, than the referrer ; at times they open two or three such counting-houses on purpose to carry on the farce of reference. But he must be a dolt indeed who is duped by never so many such references, where the aspect of (no) business is so much akin to each other. The upshot of such undertakings is either the King’s Bench, the London Gazette, or a voyage to America ; the latter being of rarest occurrence, as it always is for *deep game*, or large consignments to that quarter ; and the former of daily recurrence, being for numerous smaller debts, or in those cases wherein the effects are so completely swept away, that scarcely enough remains to pay for working the commission : Such ‘ *take the benefit*,’* as it is too briefly called.” *London Guide*, page 214.

* ----- “ of the Act for the relief of Insolvent debtors,” should be understood ; but cramp words and half sentences are generally used to soften down crime.

after. These people, it is well known, are enabled to get together large sums of money for any short time that may be required to complete their purposes: witness the brothers Goldsmiths, who twenty-five years ago were suddenly placed in a capacity to furnish government with loans to an immense amount, and whose departure from this life happened still more suddenly.

With cash so furnished we find many men have been brought forward in a mercantile pursuit, real or pretended, whereby they got into credit to great amounts, and after a time became bankrupt, or run away altogether. The chief actor in the juggle who had kept behind the scene, then came forward, and swept away all the property, or contrived to be chosen assignee under the commission. This happened so often as regarded a few, as to excite the well-founded suspicions of the creditors, and gave rise to some admonitions on the part of the commissioners; so that fresh objects were sought for, and found in the distant manufacturers of Glasgow, Carlisle, Manchester, and Perth, whither one Reeves, a ruined merchant of fair character, was dispatched by Mozeley Woolf and the two brothers Levy, to make purchases to an immense extent for account of one Weiler a pretended merchant, who was, in fact, no more than a tool in the hands of Woolf, and the brothers Levy. As the goods arrived they passed incontinently into the hands of these latter, and were by them disposed of at a ruinous depreciation, which showed that no intention existed of paying for them, and having pocketed the proceeds, these unconscionable rogues

consigned their puppet Weiler to a prison, and that state of beggary from which their arts had first raised him. Weiler was actually brought from the King's Bench prison to give evidence, how he had been dressed up and furnished by them with a watch, &c. to make a show; and £1,000 to open an account with a banking-house; and to state by what means he obtained a letter as to character from the house of Perigaux and Lafitte, at Paris, which character they supported with a large sum against a *run* which was at at one time made upon him.

By these depredations it is estimated £150,000 was cleared among the miscreants in a few years, and the harm their malpractices and underselling did to the Trade is estimated at not less than a million sterling; for the manufacturers and wholesale houses saw their newest patterns and best products under the hammer, or exposed at the "selling off" shops at their very first appearance in the market, and the value of the entire stock of the same article on hand suffered a depression in consequence. Not only *at home* was this double effect produced, but in India also we had evidence, one of their super-cargoes disposed of an investment of considerable amount at less than the European prices, or an actual loss of 30 per cent. His travelling name upon that occasion was Green, (though a Jew) but distrust on the part of his immediate employer, Levy, followed him to India, and a letter from the latter to another Jew at Calcutta, which came out upon the trial, showed both parties in their true light; for than this letter there has never met our eyes such a compound of ignorance, double

faced villainy, and bad grammar, since the moment we first read language.*

34. When it happens that an extraordinary influx of orders from any given quarter come into a wholesale house (to which we are at present more particularly directing our attention,) the right cause may be easily divined, if that be a legitimate one ; but, should the least difficulty arise in learning the reason, or that turn out not to be a good one, we are authorised in saying, that no latent benefit will result from the transaction. As regards individuals, we have too often found the purchases thus feverishly made *at credit*, were intended to be disposed of again immediately for *ready money*, probably at a loss. Should such a sale incautiously take place, let a watch be set upon the parties for four and twenty hours, and the secret will soon come fairly out : the goods may be traced to a *job-house*, thence (or immediately) to one of those shops which are at that moment " selling off, *under prime cost*," as the lie goes, for the goods cost *nothing* but carriage hire ;† or, probably, to one

* In that Letter he is called Joseph Montague, and again William Leigh, both which the reader will find (at page 112) make *parts of the names* of the conspirators we have numbered 3, 8, and 9, which is the Jewish mode of compounding *proper names*.

† Consult the passages referred to at Note (†) page 92, and one would be almost led to conclude that nothing less than fatuity possessed some Tradesmen ; or, that they profit so badly by example, that they selected others' misdeeds as a guide to their own actions. With the fate of his near neighbour, Jenkins, before his eyes, did a Draper of Clerkenwell purchase largely of the goods obtained for account of Weiler, and they were retailed at that man's shop at less than manufacturers' prices, until the blowing up of the Jews' conspiracy put an end to the practice.

of those *wholesale houses*, some two or three of which are distinctly pointed at in another place, as the ready purchasers of property from fraudulent debtors ;* or perhaps to the better defined, but not less notorious receivers of stolen goods from burglars and street robbers, between whom and the last mentioned, there exists a close affinity and near resemblance as to their manners and habits of life.

34. *Old firms* are often taken in by Jew-brokers and others, who pretend they are shipping extensively goods of every description, but *new ones* offer the readiest dupes ; while for either the one or the other, the well adapted lie is prepared before hand, and suited to the predilection or way of thinking, (politics, &c.) of the person addressed ; personal introductions are brought about, plausible stories are sometimes hatched up, full of circumstance and clouded in verbosity, deceptive references for character, the showy counting-house, or a warehouse filled with factitious packages, or *dummies*, form the string of delusions that are hourly practised in order to obtain credit for goods, with the knavish intention of committing extensive frauds. Even the tonnage of a ship is sometimes engaged, and the goods actually sent on board her ; but this, although the parties may have maintained a fair character for

* Compare the behaviour of Mr. B—— as related at page 4, (and the statements regarding others in a subsequent page) with that of the statutable receivers in the diurnal police examinations, and the “London Guide,” before quoted, page 223, and sequel.

some years, and are found to keep a good balance in their banker's hands (that touchstone of private credit) is not always to be relied upon, when either kind of cajolery we allude to has been practised. The comely exterior is made still more fascinating, the better to cover the rottenness within, whilst native beauty requires no such adornment.

Many years ago, (1804) old John Law, the Stock-broker, used to relate the instructive particulars of an extensive fraud * so nearly like that more promi-

* A gentleman lately retired from business, not far from Cheap-side, calling one day to see his successors, according to habit, opened the ledger, and enquired after his old customers—"What *this* man had done? What *that*?" Coming at length to the account of two brothers, (Jews) he exclaimed "Holloa! is this correct?" The young Tradesman replied, it was; that those persons had proved satisfactorily they were then making large shipments, and that indeed part of those goods had gone direct from this warehouse to own packers, thence to the wharf, and, what was more, had been seen on board by a confidential person, so that all was well.

Still *Senex* doubted (for so we shall call him;) he enquired for the outstanding bills, and found one had been recently renewed; yet that they were inspired with confidence enough "to complete some orders now in the house, part of which were delivered but yesterday."

"All this is very well, as far as *argument* is concerned," replied *Senex*; "but with my system of precaution still hanging about me, I cannot help thinking you have done wrong in thus overstepping the one thousand pounds, to which you may remember I had for twelve years limited the extent of their credit."

"But," objected the young Tradesman, "other people have trusted them largely, who are of much greater experience than we; Robinson and Burrow, for instance, have conferred with us, while making *their* shipments."

"Ah! how came you so thick with that *house*?" asked the old gentleman, with force; and upon being told, that "the Jew bro-

nent modern one before mentioned, that many reasonable men wonder how any Tradesman with his eyes thus opened, could have been duped for so many years, by the stale trick of *Jew-property*.*

thers had referred that house for a character to this, some two or three months before," he exclaimed, "What ! give a mercantile character of Jews ! a thing totally impossible to be done !" He added, "you are *done*, as sure as ever you were born ; step and ask Robinson and Burrow how much they are *in for* ? Let me see the waste book," said he ; and upon finding the order now in hand would be near nine hundred pounds, besides three thousand two hundred pounds on the ledger, and a renewed bill of small amount, he went on to repeat—"You are done for, by G—d ! Caught like mice : the *snap* is down upon you both. You have made it *worth the while* for them to be rogues, and you will find them turn out so. Men whom I have known a dozen years, fairly honest, and punctual paymasters, and who might have lasted the same for twelve years more, have been thus induced by your indiscretion to put forth their natures."

Here the conversation died away in ejaculations ; a few hours disclosed the usual routine of fraud : *the ship* having the goods on board, shortly appeared by Lloyd's books to be safe out of *the Channel* ; the more recent purchases were found at the "selling off" shops, sent thither from the job-warehouses, under the hammer at the "*warehouses*," others waiting sales at the warehouses for Manchester and Wigan manufactures, or at the Pawnbrokers' ; and the market was filled with the Jews' *acceptances*, at any discount the most usurious oppressor could desire.

A bankruptcy, and seven-pence in the pound followed ; while one brother followed the ship and disposed of the cargo at a foreign port, the other remained to clear up the accounts, and to show that he had "done every thing that was fair and honest, *as far as regarded himself*."

* Property which shifts like the sea-shore sand, now in this place, then in that, and the whole of which may be, and is brought to a focus occasionally to be employed upon great or paramount occasions, can never be reckoned upon for a permanency. So evanes-

35. It is in the discovery and detection of fraudulent debtors, as much as the recovery of unavoidable bad debts, that the *acumen* of the good Tradesman is most profitably employed; both increase as *the times* get worse, the *latter* more especially; but as we have postponed the consideration of these to another chapter, the *means* we ourselves have found efficacious in repulsing or avoiding the cheating knaves who are swindlers *ab initio*, come next to be treated of.

By covering his own debt from total loss, by just and honourable means, whenever the fair debtor is failing, the good Tradesman confirms his character for careful circumspection in a superior degree; and, although the other creditors may grudge or envy his good luck to-day, they would therefore the sooner give him credit for goods, or take his acceptances to-morrow.* So, when a deep laid conspiracy of arrant cheats is detected, the Trader who has repressed their advances, or exposed their attempts, not only saves so much from actual loss, but by the exposure

cent are the balances in their bankers' hands under the most favourable circumstances of that people, that the great loan-contractors named a few pages higher up, shifted their *account* several times in consequence of overdrawing it, until at length they settled at Ayton and Co.'s, with the understanding that they should not draw within the sum of £20,000, without giving notice.

* The shirking, law-seeking members of the community particularly, who imagine nothing is well done that is not done cunningly; from such as these the lucky creditor will hear commendations of his acuteness, with allusions, that the honourable man ought to repulse; in such cases, silence is the best answer to *fools*, but the *half wise* require treatment.

of this fact deters succeeding swindlers from again attempting his credulity in a more unguarded moment, and also raises a character among his fellow-citizens for circumspection and acuteness where these are best applied—the detection of roguery. In order to reach the information which is to bring him to so desirable a discovery, he must set about the investigation with coolness, and make his enquiries in a collected manner that nothing can ruffle, and he will find in the impostor's references for *character* as to his commercial stability, a vacuity that defies the touchstone of common sense and reason ; a constant vanishing before his inquiries (as below) of every imagined claim to real respectability that may have been set up by the impostor himself or others, for the establishment of his pretended credit. Nothing substantial, of long standing, or undoubted respectability, such as we recommended in Section 22, of this chapter ; and which is beyond contradiction, the only proper and legitimate reference for character that ought to be offered, or should be taken.

The inquirer should keep in mind, that the *number* of persons who repeat a falsehood does not sanctify it into truth ; for the impostors generally fall into the vulgar error of supposing that many nothings make one. A single glance at the ledger of the referee, ought to do more towards convincing the person referred (provided the former be an old Tradesman of substance) of the referrers' commercial trustworthiness, than the concurrent *parole* character of all the little *Tradesmen of the last year's growth*, or those "merchants" (so called) who saunter about 'Change of a day, or look in occasionally at their

chamber counting-house, to ascertain who may have called there since last evening they retired to their country-house-lodgings.*

Furthermore, the inquirer will find in *the manner* of answering his questions at the place of reference, when these are also knaves, an earnestness somewhat strained or overcharged; a kind of *febrile* affection, that savours too much of interestedness in obtaining belief; and which shows itself not only in loud tones and high sounding pretensions, but also in a hundred *repetitions*, in vehement *gesticulation*, and in uneasiness of *posture*, whether sitting or standing. Anxiety to obtain belief produces these effects, when an impostor is doubting, as he always does, whether he has left the desired impression upon his auditor; the hurry and flutter of his manner sometimes augment the means of detection, as do the introduction of extraneous or inapplicable observations, wholly irrelevant to the matter in hand.

These latter, the swindler (whether referrer or referree) has recourse to, in order to raise the inquirer's opinion of himself, as respects either his ability, property, or integrity.

For the *first*, take for example, the conduct of George Tennitt, when lately our clerk had a reference to him respecting the character of another swindler; George asserted, among other out-of-the-way intelligence, "that he had learnt Blackstone's

* This was our confident opinion, generally, and is so still, with some exceptions; notwithstanding, in both instances of Jew-knavery above recited, we have seen the cheats had the address to procure good references for character, and a fair account of some standing in the ledgers of unblemished Tradesmen.

Commentaries by heart; a thing, certainly far from improbable, since we afterwards found that he carried a copy of that work with him into the King's Bench, at the time of his first incarceration. The real ludicrousness of the assertion gave rise to closer inquiries, and these led to detection.

2ndly. Boasting, or affected demonstrations of possessing property, are intended to effect the same purpose, of raising a good opinion of the referree's own trust-worthiness; in proof whereof we have the well known practices of

William Shore and Co.

W. Hole,

Mr. Jackson,

John Coldvile and Co.

Geo. Oathwite and Co.

William Mallby and Co.

Peter Franzies,

all of whom will make display of their property, by rattling their chains and gold seals, and by looking unnecessarily at "what's o'clock;" by ordering up a *horse* to the counting-house door, and declaring hyperbolically his good qualities, paces, cost-price, and present value; and although every assertion belies itself, they lay account to your belief in their integrity, and asseverate each lie to be "true upon their honour." The first-mentioned swindler would not hesitate to boast of his sister's connections, though a strumpet; nor of her admirer, though he adds the vile character of a swindler to the misfortune of being a fool, as arrant as any in *our list*, notwithstanding his nobility of a hundred and odd years creation. The honour and integrity of the

last named was put to the test, and he stood firm to his engagements in the affair of Entwistle and his gang, when that swindler, and others, practised under the firm of Walker, Francis, and Co. which scheme Peter planned two years before.*

According to our canons of investigation, just set down, those characters are not difficult of development: the soundness of our judgment upon this subject the reader may soon bring to the test, by putting it in practice; by which sort of proof alone we ask to be implicitly received hereafter, upon similar topics, or to be rejected *in toto* upon the spot. But there are other, and quite a distinct species of sharp-ones than those we have just now portrayed; of whom we can scarcely give a description to our minds; because the *forte* of such fellows' deceptions lie in affording *nothing to be described*. As the first-mentioned are for the most part cockneys (or cockney-fied persons) mere adventurers, Germans, Jews, and others, discharged insolvents, and such like, so these latter are comprised chiefly of countrymen, Yorkshire (*bites*, so called), Gloucester men (who sleep with *one eye open*), Derbyshire and Nottingham stockingers, and indeed the over-reaching, low-cunning knaves from all countries; with sleek heads of hair, demure countenances, and drawling voice, the Tradesman is as likely to be *taken in* by such affected plainness, as by the over-acted emblazonment and flummery of the former.

This species of sharpers, whom we noticed Section 27, Class 6, (comprises the *Jobbers* of the lower sort,)

* See Section 36. Note.

generally adopt a set phrase of speech, or peculiar word or two, unmeaning enough in itself, but which serves their turn admirably, when the want of ideas leaves their heads empty. Against the use of such set *phrases*, William Shakspeare, the play-maker, inveighed, two hundred years ago; but the salutary caution did not prevent many of our modern dramatists from introducing similar phrases into the mouths of their leading persons of the drama (not at all to their credit) upon every occasion that presented itself of ridiculing the speaker by his own sayings; and as those set phrases thus *mark the character* upon the imitative stage, so do they upon the actual stage of life: "out of their own mouths may they be convicted."

Finally, Sharpers of every class refer for character to some other sharper, or inferior Tradesman of the lowest order, neither the one or the other, probably, having a house to live in; the whole of their establishment consisting of *part of a shop*: or a little counting-house attended by a boy-clerk-porter. Others again, of the lowest sort, are their own *clerk-porters*, and have an up-stair warehouse, even in the attic of an ale-house, in which they occasionally lodge. Although there are others of this class who live higher than this comes to, at showy lodgings on the outskirts of town, they are not a whit the worthier to be trusted for all that.

36. Definitions are not always desirable; they seldom are absolutely necessary to plain works, like the present, but when they can be introduced to throw a light upon the subject in hand, they become instructive as well as pleasing. As regards swin-

dlers and their arts, we find this so ably done to our hand,* that we make no apology for referring our readers to another work for any further information in addition to the subjoined extract, that may be

* Speaking of Swindlers, the author of "The London Guide," (page 210) says, "*To swindle*, to take away by undue means, not to be called robbery, but which is in effect robbery,—is the definition of the term which designates the men we are going to treat of." He then describes the characteristic traits of the swindlers, and the numerous shapes they assume (of which see more at p. 101 above) and then observes, "Swindlers generally take a shop, counting-house, or warehouse, the door of which is always fastened. When you enter it, a certain degree of consternation sits upon the countenance of the person placed there to take in messages. The master is never in the way; most frequently at a neighbouring tavern or public-house; or the attendant directs you to 'Change, where you may perhaps find him outside the *door* of a Coffee-house; unless he has a bill overdue, and then he is at a porter-house, in a corner, taking a sneaking chop by himself. And yet, after you have come at all those particulars, and drawn your conclusions; having made up your mind, and told him your reasons for discredit, he will fly at the imputation put upon his character, (for it is *tender*) talk of his bills in the market, and other overcharged stuff, and ultimately succeeds in hermetically sealing your mouth with the threat of an action at law. And the more certainly would he have recourse to law, as he was more sure of the imputation being just. This is the case even with houses of honour and probity, *when under difficulties*, but not otherwise. Fear exists in proportion to the degree of danger apprehended: if there be no danger impressed upon the mind, no fear can exist in the heart.

"We will adduce two cases in point, of mercantile houses, as honourable and as upright as ever were unfortunate. We should name them with regret were it not that the feeling of duty is paramount to our ideas of delicacy; besides, when men choose to make their concerns the subject of a newspaper squabble, or of argumentation in a court of law, they must not complain at being quoted in the evanescent publication now under hand. From six to ten years ago was a time of trial for the strongest mercantile houses in

desirable on topics similar to, or springing out of the present subject, and alluded to in this and the succeeding pages.*

this country. The successes of the enemy, the burning decrees, the shutting up of one continent, and the warlike attitude of another, with its *lucky hits* at sea, promised fair to ruin the best prospects of the most firmly established merchants here, who looked to those quarters of the world for the return of their capital, with its attendant profits. Under these circumstances, we heard without surprise of the stoppages that were daily announced or hourly predicted; but we certainly saw with grief, in the Times newspaper, a dispute between a Mr. H——re of Bishopsgate and Mr. S——s, of the house of P. and S., as to some expressions used by the former respecting the stability of the latter. The slander was rebutted, and the utterer swallowed his words. *But the house stopped soon after!*

“At Guildhall, an action for words spoken, so as to hurt the character of Messrs. W——d and F——d, was brought against Mr. ——, and a verdict obtained with commensurate damages. These were scarcely paid, however, when that house offered a composition and paid it. We repeat it, these instances are adduced in order to illustrate our subject, in the same manner as diamonds are best seen in the dark, which they almost render visible, or at least make us know its existence.”

* The curious reader may be pleased to learn, probably, that the earliest mention of swindlers was in 1761, when *Nicholas Campbell*, whose real name was *Fitzgerald*, a native of the county of Connaught, was convicted of *forgery*, which crime we apprehend to be concomitant with that of swindling. He and his associates lived at Chelsea, and they advertised “Money to lend;” but their principal, though rich, could scarcely write his name. Those two hand-in-hand crimes, were part of the unblest effects of the *seven years war* in which we were then engaged! for Richard William Vaughan, the earliest imitator of Bank-notes upon record, was detected at Stafford, in 1758, and his commitment to Newgate, bears date Feb. 27. In 1763, was published, “The Swindler’s Chronicle,” 8vo.; the first printed exposure of this species of crime;

A "Swindlers' *List*" is published at this day, but is justly charged with unfairness, and its conductor with malversation of his assumed office. In its nature it must be incorrect, at times it is premature, accelerating the disease it never was calculated to cure, and therefore becomes in its practice an engine of oppression.* The crime of *omission* is in some cases as great as that of *commission*, it is an act of injustice at all times; and when rightly fixed upon those who pretend to superior purity, but who may reasonably be suspected of favouritism, which is a species of bribery, the participators in the transaction are chargeable with being accessaries after the fact, and encouragers of future depredators, who hope by the same means to obtain the same degree of impunity.

We before alluded to the case of Entwistle and others, p. 5, *note*, when we noticed the name of that

the chief personages therein, were supposed to have been the *queue* of Campbell-Fitzgerald's Chelsea gang, who escaped hanging with their tutor.

* When the name of W. Weston appeared in *the List*, he was solvent, as he afterwards proved; and the bill upon which he was denounced in the usual terms as "unworthy" partook nothing of the nature of swindling, (neither according to our notion of right and wrong, or agreeing with the definition just given) it being merely the *usual* accommodation paper of an acceptor worth nothing: which, although very wrong, does not constitute swindling, for not an hour passes [banking hours] that Lombard-street is not inundated with such acceptances. *Again*, the chief debtors to Peter Francis were John Charley, and one Wade, partner of Parry, who are now all three in the King's Bench prison, and in *the List of Unworthies*; but at the time Francis's name was denounced by them, they were subscribers towards supporting the *List*.

man was omitted, though those of his two companions “appeared in *the List*.”* These are well-defined swindlers; so were those depicted above, at Section 33, but if these men played for deeper game, the crime imputed to those named in the margin approached nearer to robbery by *the law*, though not *in morals*. At Section *fourteen* of our *third* Chapter, as appertaining more to *legal fraud*, we give a third, but not novel or solitary case of swindling; the chief perpetrators whereof were in like manner numerous, but are believed by some to have been therein guilty of their first offence; a matter of lively interest, and fit always for grave consideration in apportioning of punishment, whether in court or *out of it*; for no one will deny that

* After the conviction and condemnation of the swindler Evesham, he and Dickenson were *put* into *the List* of Swindlers, as persons *not fit to be trusted*; but the name of Entwistle, who stood at the bar of the Old Bailey with these two, his name being included in the same bill of indictment—did not so appear. This we consider, a mockery of common sense, as regards Evesham; and a rank departure from even-handed justice, with regard to the other two. But the friends of both these latter, wished, naturally enough, to deprive the insulted laws of their country this or the other atonement, though it was a sacrifice they ought to have submitted to; but the respectable brother of Dickenson, unluckily for him, not being a *subscriber*, he, of course, had no voice to *prevent* this uncalled-for disgrace, whilst the rivalry of trade was busily working *for its insertion* through those who were so; and the name was inserted as an *improper* one “to be balloted for;” on the other hand, the father of Entwistle found, among his congregation, an ardent admirer of his doctrines, no doubt, who would make the *proper representations* to the moral conductor of that *List*, so that the name of this wily culprit did not, in point of fact, appear in it, along with those of his two companions in guilt.

the holding a man up to society as unfit to be trusted or countenanced, is a severe punishment, and a good and appropriate mode of inflicting it;* but then, like our courts of justice, *the judges* ought to be void of reproach, and their conduct not impeachable on the score of partiality; neither inattention, or want of care, ought to be tolerated in *posts*

* Our intelligence varies, in this particular, with respect to some of the conspirators, whose names were 1. Firth, 2. Tate, 3. Hodgetts, 4. Brown, 5. Sherwood, 6. Brooke, 7. Joseph Taylor, 8. James Law, 9. Biggers, 10. Davy, 11. Shaw, and 12. James Taylor. We give the names of these swindlers here, in order to complete our notice of the redoubtable *List*, in which it is uncertain whether any more than one of these names appeared: this was that of James Brown, in February, 1819, as having kept a public house; though Firth, Tate, Taylor, and Biggers (*alias* Seygab) were known to our informant, as keen bill-jobbers and *indorsers* several years before this transaction came to light;—though Shaw (old Bill Shaw, and his man Hodgetts) who really planned this conspiracy, had been detected in many and various swindling acts at the *four shilling a week warehouse* in Little Trinity Lane, during the last twenty years; and notwithstanding the old man stands suspected of being a highwayman, his companion having suffered death upon his evidence at Doncaster,—yet did only one, or at most two, of this notable junto of *twelve*, find their way into *the List*. Miserably defective and incorrect as this circumstance proves *the List*, we as Englishmen hail this defectiveness as a *virtue* compared with the crime of *commission* (or *threats* of commission as made by Hoodcraft *the subscriber*, in Bow Lane, but since then *in the list* of “unworthy to be ballotted for”) or of wilful and corrupt *omission*. As to this latter charge “of omission,” we must introduce here the well authenticated fact, that when Entwistle, a few years ago, was guilty of his first commercial delinquency, and was threatened by Mr. L. Goodman with being put into the List, he went to the office and bullied the conductor, so that he was spared at that time. The same Goodman, by the self same threat, completed the ruin of Mr. Jackson, the

which thus become of so much vital importance to the interests of society.

OF IRREGULAR TRADING.

37. That we are a nation of shop-keepers cannot be denied, and is rather a matter of boast throughout

rope-maker, of Ratcliffe Highway, who had incautiously put into G.'s hands his own drafts upon, and the counter acceptances of, Manley and Entwistle, of Cateaton Street. As to the less guilty part of the twelve conspirators, we may just notice that James Law, who called himself a *bill broker* of above twelve years standing, says, he "never was *accused* of drawing a *sham bill* before this one;" and it is universally allowed, that the bankrupt himself, John Smith, of Holmfirth, in Yorkshire, was drawn into this act of dishonesty, by the persuasions of his new-found countrymen, Firth, Shaw, Tate, &c. *James Taylor* died of chagrin in the King's Bench Prison, and thus signed a quietus for his misdeeds. See our characteristic description of this species of sharpers in the preceding Section at page 105.

Furthermore, to bring to a focus our proofs of the imperfectness of *the List*, we reserved the names of the conspirators in the other case, referred to in the text, to observe, that out of sixteen persons, of which number the bill of indictment consisted, no more than one ever appeared in *the List*, although the greater part of them were much known, and pointed out in the pages of this volume (whilst in manuscript) to its numerous readers, many months before the detection of Meyer, and the arrest of the Jews at Brussels, blew up their knaveries; which again had been practised by the principal rogues a great many years before, in the order here set down: 1. Moseley Woolf, 2. David Levy, 3. *Montague Le Voy*, (qu. Levois), 4. Lewis Levy, 5. Thomas Keyse, 6. John Levett, 7. Michael Levy, and 8. Joseph Leigh; 9. Joseph Josephs, 10. Samuel Jacobs, 11. Sampson Samuels, 12. John Meyer, 13. Henry Weiler, 14. Henry Lee, 15. John Kinnear, 16. William Talbot. Of all these, the names of the third only found a place in *the List*; but, as if to make amends, this was repeated two or three times.

England, not to say of exultation and pride, notwithstanding Buonaparte thought to lower us in the opinion of his sycophant hearers by that most appropriate and honourable designation. But we knew, and felt, how ill our then condition suited our high feelings as commercial men: with one continent hermetically sealed against our commerce, and soon after the other in open parricidal hostility to the same much-envied cause of our riches and general prosperity, Trade became stagnant, and our manufactories were idle. The hands employed in these were long before driven into the army or navy for subsistence, or into rebellion through despair. In this state of depression, Trade sought outlets by rare and untried channels; new, and hitherto unthought-of methods were adopted for getting vent for manufactured goods, all of which were most visible in the more staple commodities—woollens and cottons. A market to Buenos Ayres had given us a glimpse of better times, but those who followed the ephemeral light, that like *ignis fatuus* led them astray, soon found themselves involved in difficulties, if not in ruin.

The holders of large stocks, finding no demand for their goods, were fain to sell in their necessities whole stocks at what they would fetch, by the hammer; and the manufacturers' salesmen, Messrs. Whitfield and Wheelwright, and Thomas Fellows and Co., were in full activity several years in knocking down to the best bidders (who were few in number) such goods generally for ready money, although bills were substituted on occasion of very heavy sales. So far, so good: both parties were served by the transaction

probably at the moment, although in the sequel it proved the ruin of the vendors ; for, the inadequate prices obtained for one parcel, but precipitated the sale of another, and another, at still lower prices ; and the market being thus glutted with the purchases so made, which obtained the name of "*job*, or *jobbed goods*," for awhile totally obstructed the regular trade. This induced the holders of goods in large quantities so obtained, to open "*job warehouses*," where they were dispensed to the retail-shops, duffers, and speculators, at enormous reductions in the prices.

But the disposition to *job* continues beyond the occasion that gave rise to the practice ; and fraudulent debtors now find in those warehouses the ready means of getting rid of their ill-gotten stocks, previous to the dismal upshot of their commercial speculations. Nor is this all ; for the evil extends a great way farther : it has come out, upon inquiry, that a Swindler has said to his fellow, that " he knew whereabouts he could get ready-money for *cotton goods*, provided the other could obtain them ;" *upon credit*, was meant no doubt, though had they been stolen we have reason to believe, that that trivial circumstance would have been no obstacle to the negotiation. This we learn in the course of a late criminal prosecution ; nor is the conclusion less painfully supported by the open and candid avowal before alluded to, of one of the chief perpetrators of such villainies, in the particular line of business just noticed.* But candour and frankness are but small extenuations of

* See page 4, 97, and page 99, note.

domestic crime; no more, indeed, than the pleading *guilty* to a statutable offence, is any *compensation* to an injured prosecutor at the Old Bailey sessions.

“ However strange it may seem to our readers,” says a cotemporary, “ there live in great apparent respectability, not to say splendour, many men who deal largely in stolen goods; and we could walk all the way from London Bridge to Linehouse Hole, without once losing sight of some one or other great man’s house, who, before the formation of the docks, was not a great dealer in that way—knowingly guilty. Wholesale dealers, too, of high and untouchable character, there are, who do not blush to make purchases at such prices and amounts as cannot leave a doubt for what end the goods had been obtained. We know of one house in the linen trade, with whom this culpable practice is so palpable, that their conduct has undergone investigation in a court of law.” *London Guide*, p. 217.

This writer alludes, probably, to the same case as we have just now spoken of, it being tolerably notorious; as is also the fact, that the offender came off with a rebuke only. But rebukes, simply, go a very little way in the correction of deep and crying abuses, with persons who are led into the commission of them with their eyes open, although the admonition comes from the bench. Those who are engaged in this sort of traffic, require coercion; but, alas! there is not at present a law that will reach so far as to remedy the evil, much less eradicate it altogether. All we can do at present is, to warn our readers, that such villainies exist; and to advise them to beware of the lure of *great bargains* in goods so obtained.

The transaction is highly immoral, even though the parties may never be *had up* at the Mansion-house, nor be dragged over the coals before the commissioners of bankruptcy at Guildhall.

Nor is it advisable in a pecuniary point of view, to deal in *jobs*, even although these might be come by honourably ; that is to say, such goods as have been bought of some needy manufacturer, of his assignees or salesman. For, a complete assortment of goods necessary to a shop, are not always at hand, under the same or similar predicaments, and as variety is absolutely necessary to the purchaser's stock in Trade, what is gained by the bulk of goods is nearly all lost again in filling up the *sorts*. But should this not be so to the full extent, the purchaser suffers in other respects: *first*, by buying lots that have been knocked about, badly warehoused, and ill packed—not to say damaged ; *secondly*, by the low prices he must take for all his commodities in consequence of these goods being out of *prime* order, so that the consumer of any discernment does not consider the articles *cheap* after all ; *thirdly*, that he loses the *discounts* to which most goods are subject, whenever the precise day of settlement is passed over, either by inadvertency, or through necessity ; *lastly*, in that he may be refused credit at the most essential wholesale houses ; or should he even tender the money in payment at a time when Trade becomes brisk, they will not always attend to his wants, or otherwise put him off with inferior goods. Then it is he loses completely every advantage he fancied to derive from his cheap *jobs*.

In fact, there is no calculating the mischiefs occa-

sioned by these jobs, especially in the affair of *Trade discounts*; for when a Tradesman loses the customary discounts with the wholesale houses, he never recovers them again, in the greater number of branches; or he obtains the deduction with difficulty, and with constantly galling remarks on the "prevalence of jobbed goods," and "the impropriety of employing the property of others in making *such purchases*," together with many a shrewd hint at the small degree of creditableness that attaches to the encouragement of irregular trading. Observations such as these are by no means agreeable to the feelings of an honourable and upright man; and yet all things considered, the speaker seems fully justified in using them. Moreover, sometimes more is meant than meets the ear.

When a Tradesman, either a retailer, or one in a wholesale concern, is in the habit of taking the whole length of credit from the manufacturers or their agents, whereby he disentitles himself to the discounts which it is the practice to take off from the bottom of the bills of parcels upon the shorter settlements, he is in a fair way of losing his credit entirely.* To have it said in the market that he is this

* Birmingham manufactures undergo a discount of 25 per cent. upon settlement by bill at three months, (settlements every two months;) in the Ribbon Trade 40 per cent. is taken off. By the way it may be remarked, that a tacit kind of understanding formerly existed, that every account should run to the end of twelve-months, and be then settled; but since the practice of drawing at short credit, and making large discounts, has grown into an usage, the invoice prices having been enhanced to meet the effect of those discounts, the law has constantly recognised the net prices as the

kind of long-winded chap, is nearly as baleful as to sustain the character of being incapable of paying at all; and the charge thus made precedes its actual fulfilment no less inevitably, than does the using the means of prolonging life become the cause of death.

38. *Cheap shops* are a great evil, and a much greater eye-sore to the *regular* Trader, as those have been considered who charge uniformly high prices for their commodities; because *cheap selling* is usually a mere pretence that must defeat itself, the articles so sold being inferior, made up for *show*, and not for *wear*. Impostor shops are known by the vehemency and number of their placards, signs, and tickets. But manufactured goods of nearly every description have standard prices, at which they are retailed in the market, each of which is fixed upon the best of its kind, and generally at credit prices. It would then be common justice, in all instances where ready money is paid for goods, to reduct as much as the interest of money comes to, according to the amount, be that more or less: and if that reduction in detail be increased by as much as is saved by expense of

only just ones in all settlements of accounts, in receiving proof of debts under commissions of bankruptcy, &c. Reed has reduced the doctrine of *Trade discounts* to tables, which show the profit that remains upon every gradation thereof; a very useful work for some few Trades, but which labour was previously undertaken by wholesale persons in manuscripts for their own use: the late Mr. Chapple, of Newgate Street, is apprehended to have formed the completest set of these, before the printed work of Reed appeared at Liverpool.

clerks, booking the goods, making out the bills, and collecting them together, with the risque of errors, bad debts, deaths, and other delays and subtractions, we have no hesitation in saying, that a ready-money business can be conducted upon a scale of one half the usual profits, to say nothing of the consequent increase of Trade.*

But unprincipled men, taking advantage of their customers' want of experience, too often advertise for sale, or ticket up (disreputably) in their windows, an inferior article, assuring their dupes it is the very best of its kind ; as '*capital* hose,' '*fine full flavoured* tea,' '*real* Yorkshire hams,' and other such deceptious phrases. This is a practice we insist, before all, should be avoided by those who would rank with them of honourable mention ; but the case is evidently different, where a shopkeeper warrants his goods to be what they *appear to be*, and charges one price for ready money and another if sold at credit, —an option that would be acceptable to both parties in the greater number of cases, since both might truly apply the adage, "nimble nine-pence is better than slow shilling."

Ticketing—as one of the most usually deceptive practices, deserves reprobation, and one particular *trick*, exposure to our contempt. Fine large figures, of

* See what we said about ready-money Trade, and the subjects connected with it, at pages 16, 23, 31, 44, 49, 71 and 80 ; at page 83, we might add that the whole *fourth* Order deal for ready money *pro* and *con*, as do all the Trades of the *third* Order at credit, excepting only a few individuals.

the best form and blackest ink, stare one in the face, and a [d] or an [s] near the final figure seems to tell us that the article is so many *pence* or *shillings* per yard, or per pound ; as thus 23d. and 18s. ; but no such thing : a trivial *dot*, scarcely perceptible, between the 2 and the 3, makes that sum into two shillings and three-pence, and the same kind of *dot* between the 1 and the 8, changes this into one pound eight shillings. Arising precisely out of this species of deception, was a charge preferred before the sitting Alderman, against — Shaw, of Newgate Street, by a man who being decoyed into his shop by the appearance of a great bargain, found upon reckoning the amount of his purchase a difference of 4d. per yard more than he expected to pay. Both parties were stubborn ; the man insisted upon his bargain, but Mr. Shaw broke his head with the yard, impatient at being foiled at his own weapons. Conduct this that requires no comment. This July, 1819, we see in Cheapside, “ These excellent pantaloons, only 11s. ;” but, lo ! upon going into the shop, an £. which turns the first 1, into a *pound*, is pointed out to our notice, and excites despication.

CONTINGENT PROFITS : SPECULATIONS.

39. In addition to the usual routine of his Trade, the *means* stand singularly open to our London Tradesman of making profit by the temporary application of surplus capital, by taking advantage of his reputed or apparent credit, and of filling up his leisure or administering to his amusements, profit-

tably. All deserve notice, however slight, as far as regards marking the peculiar features of each ; some require castigation, and a few call for our reprobation,—else our task would be but imperfectly executed : it may be anticipated, that we think they are not all equally honourable.

But such is the nature of man, such the spirit of commercial adventure, some of those means of profitable occupation, which at the outset could only be regarded as auxiliary to the main objects of business, often attract with their very deformities the cupidity of our brethren ; whom they captivate even by the *greatness* of the *risques*, are too soon followed as primary objects of gain, and they really do become to a few votaries of Mammon, much more fortunate than the dry pursuits of Trade itself. Unfortunately, however, many of these occupations are more fascinating in appearance than solid to the touch, even to the occasional and more wary practitioner ; for they subtract too much from the time, and interfere with that undivided attention, which the cares of a sober and steady prosecution of Trade demand. Add to this, they always militate against the interest, and weaken the love which every man ought to feel, and is felt by the best Tradesmen, for his own particular calling, however meagre or humiliating it may appear in comparison with other more showy or more considerable Trades. “Contentment with his station,” is a practical maxim, upon which is formed some of the best members of social life ; the contrary monition, that “a rolling stone gathers no moss,” is in every one’s mouth ; but the restless disposition of some men’s minds, which has been a constant

subject of complaint against the vicious part of civilized society, renders them "discontented with every thing that is;" not content to "stand by and let well alone," they are everlastingly seeking for change, and nothing but deformity lurks on the fore brow of their own avocations, while they repine and look around with envy and with longing after those of their neighbours and others.

Lured by the hopes of great gain, and intrapped by the reported success of some few, without taking into account the numbers who totally fail, the credulous Tradesman, too often neglecting substantial benefits, steps out of the right track to follow chimerical advantages. Early in life,* the spirit of adventure, ingrafted into the nature of islanders and coast-wise people, operating upon the ardency of his mind, leads the Tradesman, particularly, into hazardous speculations, wherein the promise of great and rapid advantage renders him blind to the dangers that attend them. The most common deviations from the regular train of business, partake strongly of the nature of gambling speculations, into which some men are led in consequence of becoming drunk with success in their ordinary speculative undertakings;†

* See pages 13 and 14, and Section 11 of Chapter IV.

† Whereof the most prominent is jobbing in leasehold property, which generally commences with the purchase and subsequent sale of the speculator's own dwelling. With this very kind of beginning no less than four *Milk-men*, of Mary-le-bone parish, sold their *walks*, and became jobbers in the Rotunda of the Bank, in the year 1817; of these only one has yet failed (July, 1819,) and he apparently the least ignorant of the four.

but the far greater number take them up as the desperate remedy of broken fortunes.

The most alluring of those speculations out of his own regular and proper business, by which the Tradesman is entrapped soonest, are, in order, 1st. Joint-stock companies ; 2d. Dabbling in the funds ; and 3d. Underwriting ships and cargoes. Three species of gambling which are chiefly promoted by Agents called Brokers (simply ;) with whom it has been undertaken as a matter of business to fill up subscriptions for any and every rhodomontade scheme or bubble, however improbable of success or impossible to execute, which may be set on foot by the culpable ingenuity of visionary speculatists. In fact, the more fluctuation there may be in the public opinion, or the more unfeasible the thing proposed is in itself, the more desirable it becomes to the broker, who thereby is engaged in making the greater number of transfers. But of these matters more hereafter.*

So of Stock-jobbing, the same class of men look round for dupes; *to dabble a little*, and to support the well known knavery of the *Alley* (as 'tis still called ;) and, as to Underwriting (not *insuring* as we shall show*) the bare mention of this kind of risque in the ears of a Tradesman of the *second* or *third* orders, bespeaks as plainly as words can, the ill opinion entertained of it *within doors*, by those whose proper business it is, and whose attention being constantly fixed upon such objects, must therefore be better

* * Book IV. Sections 2 and 11.

informed concerning them,—viz. Traders of the *first order*.*

Among the speculators of every kind and degree, a choice number are adroit and intelligent, or active. These readily acquire the method of performing well whatever they undertake, especially the subtilties and chicaneries of an art; as those of cards, of the Stock Exchange, the E. O. table, or Lloyd's. Others again are fortunate at the outset; and they venture again and again, for deeper game, with various success, whether that be in the lottery, or a monopoly, which we take to be the two extremes; the latter being almost reduced to a certainty, but the former never to be reckoned upon for producing aught but the disclosure of its knavery. The dolts, or half-witted part of this description of speculators, do much better, in the long run, than those just mentioned, because they are conscious that chance alone gave them the advantage they have obtained, and that to the *doctrine of chances*, well calculated upon, they must look for the repetition of lucky hits, which is to make their fortunes. Whereas, the over-cunning part of them, relying upon their own wits, and attributing to management, what, in fact, was the effect of accident or chance alone, too often over-act their parts, and endeavour to allure *her* out of her course, who has been very properly depicted blind; and vainly hope to control that which is proverbially incontrollable, *namely*, Fortune. Here and there, one of the more intelligent, adding thereto great circum-

* We postpone to a subsequent chapter (the IVth.) the further consideration of Agency, or Brokerage.

spection and coolness, succeeds more certainly than either of the two former.

Gambling, in its more marked and unequivocal shape, when looked to for profit, is like endeavouring to cultivate a quicksand: whoever devotes an hour to such pursuits, has destroyed just so much of his Maker's first behest—life. He has done more: his capacity has been contracted by the exercise of an ungenerous pursuit, and he is disabled from returning for a considerable time afterwards to his genuine occupation. The case is not bettered when men endeavour to counteract the effects of sedentary Trades by having recourse to athletic games or matches; all of which have the same effects temporarily as sheer gambling, only the pocket generally suffers less by the one than the other.

For *recreation* and *exercise*, other employments suggest themselves under these heads in the next chapter.

40. There are certain duties to be performed, and offices to be filled in a state of society, from the fulfilment whereof although some men shrink, or elude them altogether, yet others seek after such appointments with sedulous anxiety, and execute with care and assiduity every function of their arduous offices. These are divided into two sects, actuated by different motives; the first seek for honour and the proud distinction of filling a chair, or standing on an elevated platform, for the sake of the thing itself; a vanity allowable enough, since it generally impels them to enact their duties rightly and for the public good, the eyes of the public being, as they know, univer-

sally set upon them. Men of middling talents, of strong minds and tolerable pride, serve such offices better than the more noble-minded, travelled scholar, who would disdain the plethoric civility of the well-fed crowd, and neglect the minor duties of his office from very contempt. The second kind of people in office,* seek to turn every thing of this sort to profit, to aggrandizement, or patronage, which are all produced by the same motive. A President of a Hospital for Invalids, may appoint for servants thereof his own worn-out domestics or tenants; or, to a School, the children of the same persons; the Treasurer may be a banker; a Lord Mayor may save money (if he chooses to behave shabbily) out of the *city allowance*; and an overseer of the poor-house supply it with necessaries. Scarcely any post, or office, but may be turned to some such advantage; even the collector of a petty ward-rate, or parish-rate (without pay) may conciliate by forbearance the votes of his neighbours at the next election, or be heard with deference at a meeting when repairs are required for the church; both include patronage, and this may be turned to profit in a great number of bye-ways, which again reproduces itself. Many men act upon and avow those motives, in seeking for and taking offices;† while

* Both produce "Jacks in Office," or those who overact their parts. The subject is alluded to in the INTRODUCTION, and in Chap. VI.

† A dispute about "office" in the royal parish of St. Martin, turned upon no higher matter than who should supply the school and poor-house with hose and mittens: we did not attend the discussion to its close.

others, equally candid but more to be dreaded, make the occupation of an *office*, the means of petty oppression, or to be used as retaliatory of injuries, real or supposed.*

With all office-hunters, the ostensible motives are, 1. the public good, and 2. to keep out improper persons; that is the *cant*. All affect to lament that it has fallen to their *turn* (when they know it is inevitable) to fill the particular office that is open to them. The improper persons are, every one whatever, who may be likely to sigh after the same situations; how far they seek the *public* good we have shown above. But, upon weighing over again the less commendable inducements, against the more worthy and ever-ostensible reasons, for seeking after offices, the latter has the preponderance in number and strength of arguments, in all points except one; therefore, we postpone what we have further to say on this subject, till the consideration of the mental "qualifications for office," in a subsequent chapter.

The exception we spoke of, is that of the tax-gatherers or collectors under certain acts of parliament; which is a trade, and a very distasteful one too, inasmuch as they receive a certain *per centage* upon what they collect. An occupation this, which forms a very pretty addition to the income of minor

* We recollect a *hearing* at Guildhall, 1816, between an individual, and some parish officers, in which one of the latter was accused of altering the rental of a house in the parish books, *viz.* the figure 3 into an 8, by closing the *bows* thereof to the centre, until it made an 8, whereby that individual was charged *five* rates, or ninepences, *per quarter* too much.

Tradesmen, and serves as a retiring support to such as may have been unfortunate.

One and a half *per cent.* upon the assessed taxes of a ward or two in *the city*, or of the parishes round about, is a matter of no paltry consideration to any man: no other was the collection of the Property Tax;* but then the persons employed about them must perform a good deal of disagreeable work—*disagreeable*, if they have any of the milk of human kindness left, after seeking for and receiving such appointments. Those who are qualified to

* A fault in human nature, when huddled together in towns, is to kick a man after he is down; but we shall not so serve the Property Tax, by speaking ill of it. Certainly no tax ever devised contained better elements of equal contribution than this one: a position assented to by a very great majority of the nation. "But, being in its nature inquisitorial, and therefore at variance with the temper and genius of our country, is unbearable for Englishmen," say the objectors, and they say rightly with the exception of one word; "*its nature*," partakes nothing of the inquisition, but it was the *mode* of applying some of its clauses to Trade, and other uncertain intangible means of *living*, which rendered it "unbearable to the Englishmen" of London. The remedy would have been, to alter that mode; to relieve little incomes, which are *no property*, and the tax thus modified would be palatable enough, even to London Tradesmen. We should then have no more Egyptian-Hall meetings, nor again hear Mr. G. Hibbert insisting that, because he was the first man to show Mr. Pitt, twenty-four years before, the way to our lives and properties, he therefore knew best at what time this tax ought to cease *in toto*. This was too much; we thought so at the time, and should have said as much; but the meeting was not convened to hearken to adverse sentiments.

A question which appertains to and interests the trading part of the metropolis more than any other, seemed to demand this short notice.

exercise the duties of Commissioners of Taxes for the City, stand higher than the Collectors and Assessors ; a small part only of their time is engaged therein, but the payment, though certain, is not adequate to the apparent responsibility—one hundred a year to each Commissioner of the Assessed Taxes, for instance. What those of the *Property Tax* received, no tongue can tell, since they had a criminal *bonus* upon surcharges ; which brought upon the principle of the tax itself the odium it did not deserve in the abstract, and sanctioned the execrations that accompanied it to its end.

CHAP. II.

OF THE HOUSEHOLD.

THE ESTABLISHMENT.

1. ONE unhappy attendant upon the mistake of taking large or grand premises, is the necessity it imposes upon the taker of increasing the establishment of his household. If the house and premises, with their costly fittings up, are intended to raise a Tradesman's credit, where that is desirable, he must employ a proportionate number of servants and assistants to carry on the delusion, otherwise his shop will appear like a wilderness. But the people interested in this matter are for the most part men of penetration, and will soon discover whether those have employment for their hands, as they will naturally find enough for their mouths. "Keep no more cats than catch mice," was a good adage, though a homely one; nor do we know of any other that is so generally applicable to every rank and condition of house-keepers, especially of those in Trade, more especially of him who is just setting out in life, and has to look forward to the shop, warehouse, or factory, for the means of his own and their maintenance.

"The smallness of the rent," he may *stand at*, so much vaunted of by many economising young

men "after deducting for apartments, &c. let off," is not here the question to be settled. He must keep people about him somewhat corresponding with the size and appearance of his *shop*, and undoubtedly bearing some proportion to the business; in either case, these will necessarily take off a great deal of the *gilt* from his profits, after all the provident arrangements he can make. Indeed, it requires no gift of prophesy to tell us, that servants are the means, or medium, through which the business is to be atchieved, and the profits are to accrue, and they have as much right to all they receive as the master himself. A watch-maker or carpenter might with as much reason grieve at the expense of *his tools*, as the shop-keeper complain of his servants' salaries, or the expenditure of his table; always taking for granted, that an adequate stroke of business is carrying on; but if he does not succeed in this respect, the magnitude of his house establishment will only accelerate his ruin. In this case, all our advice is centered in one word—*Retrenchment*: on which part of our subject, see more in a subsequent chapter, where we have considered the evils "of a declining Trade." (Chapter III. Section 15, 16, &c.) Under every circumstance (even the best) when this is too large for the means of support, it resembles the large heads of the physical body, that, according to the weakness of the lower members, constantly presses them down, and drives out the support into deformity, exhibiting early and certain symptoms of decay. But when the head of a family contracts his expenses within *proper bounds*, the weight of these upon his income is not felt, so as to injure it; and may be brought

to act as a counterpoise or balance, when he uses the courtesies of his table for the purpose of conciliating customers and friends. This, however, is delicate ground : some independent spirits will not accept of a treat, under any pretence ; while again many young Tradesmen mistakenly persuade themselves that a good dinner promotes the interest of business, when at the same time, they not only feel the expense, but ought to lament the drawback it occasions in another most valuable commodity—*time*.

2. When a Tradesman has once adapted the number of his *assistants* and of *menial servants* (mark the distinction !) to the quantity of labour, as near as may be, he has not more than half performed his task. His object should be directed towards extracting the greatest quantity of labour (or beneficial services) from the whole at the least expense, taking care, however, not to overshoot the bolt. He must consider the latter description much in the light of Swiss (with very few exceptions), who serve, for the best pay and plunder, any employer. If these will fight on the other side to-morrow, as they have fought on this to-day ; no less so, and more effectually, will the *assistants*, when at length these change services from house to house ; because, being employed in the *liberal part* of Trade, they are intimately acquainted with its *arcana*, and are thereby furnished with the means of doing most harm upon entering into the services of another, generally an opponent in Trade. This is matter of grave consideration, in many respects, and, among others, bespeaks more than volumes can the necessity of the master's pre-

sence, (or that of his wife) in a retail Trade. It is hardly to be dispensed with in a wholesale warehouse, in which the masters who are of the old school, *show themselves* at some desk or counter, even after they cease to show goods ; but in a retail business the master should be the master still, however, he may change his assistants. But if he leaves so much to one of these, as that *he* may be mistaken for the master, whether he be journeyman or apprentice, no sooner does he quit his present service than he draws after him a long string of face-to-face acquaintances, by circular letters, personal applications, or merely by showing himself at his (now *opposition*) shop door, on the steps whereof he *looks away* the old customers as they pass.

After having settled the arrangements for the domestics' comforts upon a given scale, and placed the house-keeping upon a *system* as nearly as may be, (we will not descend to more minute particulars) the master must sturdily turn a deaf ear to the querulous fault-finders that abound in every family, generally comprising the least industrious or deserving part of it. By the way, that was a good thought of Sir John Eamer, alderman of London (or some one for him) that was written over the mantelpiece of his noble kitchen, in Wood Street, Cheapside, on two tablets of raised stone :—

WANT
NOT.

WASTE
NOT.

and may be copied with advantage by any other Tradesman. He must prescribe, and severely maintain, the hours of working application, as well as those of meals, knowing, however, when to relax it

upon proper occasions, as well as the extremest severity of punishment for transgressions—*discharge*. Herein he should take heed not to trifle, nor to threaten twice without carrying it into execution; otherwise his severest maledictions fall a dead letter to the ground, and his frown becomes a burlesque.

DISPOSITION: TREATMENT OF DOMESTICS.

3. Although it would answer no good end, nor does it fall within our province, to cherish a surly, snappish, or morose disposition, yet a kind of sedate rigour is requisite in a master, to keep down and repress that tendency to familiarity of his assistants, which is subversive of all due discipline, and is most visible before the new Tradesman thinks of *marriage*. Of his entering upon this *holy state*, we shall say a few words shortly, after dwelling at some length upon domestic economy, and conclude with a few words as to the management, morals, and health of a family.

Considering the discordant materials of which the members of a family are usually composed, a good deal of compressiveness of character in the master is absolutely necessary, in order to keep them together in due decorum, so as that they may act in perfect unison. Among them, the most deserving of repressive harshness, are those drivellers who having been bred up at the apron strings of their mothers, are always shunning labour, and looking about for preferences, and watching your eye to discover when it may indicate that you are in the proper mood for granting indulgences; such as leave of absence,

play-goings, and the like. Let such milksops be driven back into themselves, by rebukes which increase in severity as the more mild are found unavailing. Be assured the wheels of an active machine, (or system) do not perform their evolutions the worse for being kept bright.

Moreover, wholesome severity upon proper occasions is not unfrequently preventive of crimes; the secret consists in finding out that punishment which is appropriate to, and most availing for each particular subject: *rods* are no punishment to some youths, nor *frowns* to others; a third cares little for *confinement*, and *many words* soon lose their force with every one of them. Whilst the master refrains from an argumentative and churlish manner, there are none of the usual inflictions of his anger that may not be judiciously rendered palatable, by adding conditions of amendment as the price of reconciliation.

Many a young Tradesman falls into the error of *evincing* too great anxiety to administer to the comforts of those around him; but if he does, he is sure to be imposed upon by them, and, what is more lamentable, the least worthy are those who obtain most indulgence. The fault lies in carelessly *showing* it, in such a way, as that it may be taken advantage of by the least deserving. Undoubtedly, the most abundant error lies in the direct contrary course to this, in adopting a niggardly or at least narrow way of living, than which, scarcely any practice can be more ill-judged or unprofitable. No man expects his horse to perform a journey so pleasantly upon half feeds as upon full ones: see how *he* will travel

upon a *quartern* which has been usually baited upon a *half-peck* ! And if this hold good as to that faithful servant your horse, how much more is it not true of your more rational servant, man ?

4. We do now, and always have considered, even whilst we *served*, that the successfully carrying on of Trade, so mainly depends on *the treatment* of the assistants in it, that we dilate more on this topic than many of our readers may think it deserves. But having closely watched the effects of various modes of treatment, and certain regulations that we have had occasion to make, from time to time, in domestic management, we can take it upon ourselves to say, that scarcely any other point connected with our treatise is to be compared to this one for primary importance. Trade may be brisk, profits high, customers plenty, payment certain ;—but if your assistants are rankling inwardly, at low salary, meagre subsistence, and *ignominious* treatment,* how does the extra profits of your Trade ooze out ? But when there comes a *turn* against you, a declension of the usual stimulus,—brisk sales and early payments passed away,—then, it is, you feel, the relaxation of your assistants, when you most require the utmost energies of their helping hand. On the other hand, when orders throng upon a house, as they do sometimes to a glut, how much is felt the want of soul

* Certainly that treatment is *ignominious* which consists in buying inferior meats, and boarding and lodging them with menial servants.

among a set of assistants, indignant at their treatment.

Good servants are, now-a-days, sufficiently well-informed to be able to appreciate their own comparative value : one man will sometimes get through as much business as two or three others, or perform it in better style, or make sale of goods with more success, than many among his coadjutors. Is it to be supposed for a moment, that such an one will be blind and deaf to his own superiority ? Surely not. The salary of such an one must be increased ; but he will not be better remunerated, *as to his feelings*, by an increase of salary, than by small acts of civility, in the way of domestic comforts, an invitation to dine in the parlour on Sunday, or a glass or two of wine, at no great intervals.

One of the most provoking things that can take place between the employer and employed, is, when the latter *pretends* to be of much important service to the former, at the same time that it is *mere pretence*, and nothing more, his absence being almost as good as his presence—but probably *not quite*.

5. Upon our first coming to town, the calling in which we were engaged, though by no means a low or degrading one, very ill paid the assistants who were employed to conduct it. The young men throughout the whole trade ran at random with the menial servants ; hence they imbibed low notions, vulgar prejudices, and vulgar habits, and often committed themselves in smaller matters. The business was ill attended to, generally speaking ; the young men feeling they were placed a shade or two below

their countrymen of the same standing, who followed *other businesses*. This single reflection in a manner paralyzed their exertions; and in this particular house where we now write, in which were nine young men, it was found that we had literally "more cats than caught mice:" there was not enough of exertion.

Every article of life was then excessively dear; and it might be easily seen, that if *fewer men* could perform the *same work*, although at the same salary (in the aggregate) at least there would be *fewer mouths* to feed; for the men were all *in the house*.

Soon after, taking one young man aside, he was told, that it was perceivable enough he could perform more than he at present did; and that, if he would fill up part of the department of another (shocking lazy fellow) his salary should be increased; whether the proposed augmentation of salary gave a stimulus to his exertions, or the pride of being so distinguished operated on his mind, we will not stop to enquire, but he did perform very nearly the work of two, with a little of our help. This example was successively held up to three others upon similar terms; and in this way three were discharged in the whole, and of course *the keep* of so many was saved, besides that the remainder lodged more conveniently, and had better salaries in consequence. One measure, in addition hereto, completed the reformation: they had now a separate table to dine at, and this with a few civilities as spoken of above, rendered them a wholly different sort of characters. A young man of talents in his profession will not consider himself properly treated, by pigging with the dolt-headed fellows, who are a draw-back upon the move-

ments and exertions of others—nor by being turned adrift to victual with the menial servants ; however long, or general the latter practice, he will pity, perhaps, his employer's want of discernment, and look about him for another who is better able to appreciate his worth.

6. In bestowing those civilities to which we before alluded, you may inadvertently so manage as that they may do much harm: indeed it is lamentable, that many Tradesmen (old as well as young) by not attending to decorum and prudence in the *manner*, often produce the directly contrary effect to what was intended. Not the least of those blunders is, that those erroneously judging persons make their people drunk, to evince their sincerity ; whereby they not only are led into a hateful habit, and an unfitness for business, but acquire disrespect for your persons, in the familiarity which such a debauch engenders.

Another species of blunder is the *mode*, and a third, the *time* of bestowing civilities on assistants in trade. Such as have studied human nature in these departments of life, and the English character in particular, will know before hand, what conclusion would be drawn by a shopman, clerk, or warehouseman, if he be asked to an extraordinary dinner, or to take wine, the very day of a disagreement, or words having passed, in consequence of some error or omission. No master would think of advancing the salary of a shopman for offending a good customer, for instance ; and yet, how near is the resemblance between the two species of reward. Such ill-

timed generosity would rather convey an idea of truckling, or conciliation, very incompatible with the subordination which ought to be kept up. A certain kind of dignity should be preserved at the time of conferring these minor favours, which would impart the feeling that they arise more from general good opinion, than from any *particular* or *recent* occurrence. With the last mentioned contracted feeling they would be received as merited payment of an isolated piece of service ; whereas the former would stir up to fresh ones, and excite to new and generous exertions, in order to repay in kind, the debt of gratitude which the master's disinterested generosity had laid him under : a noble emulation between master and man, which of them should keep clearest of obligation to the other, would hence arise, that would not more redound to the honour of the employed than the profit of his employer. There lies the secret of the lesser civilities, well applied, and producing their proper fruit.

Many men know by intuition, how to manage best the recommendations we have given, not to let the immediate cause of such kindness be felt, but should they not, we cannot undertake to teach them *upon paper* : a certain Lord (Chesterfield) in making a similar attempt in another sphere of life, got laughed at for the *minutiæ* to which he descended in his instructions how to make a bow, and to brush the teeth. We pass on to matters of more importance.

SALARY AND LABOUR.

7. SALARY, OR WAGES, although not a thing of the last importance to those young men who look forward to a respectable establishment in business for themselves, ought nevertheless to bear some discriminative ratio to the services performed. Those who are married men with families, must be paid in proportion to the expense of those families; that is to say, the employer must take care that the employed are not straitened in circumstances, so as to be driven to dishonest courses—which is too often the case in some two or three trades that we have our eye upon at this moment. Among these blameable classes, the reader will probably be surprised to learn the banking business is included, as is the similar trade of a pawnbroker. The clerks of both are much in the habit of receiving and paying money, but so little of the precious metal, or of its representative (bank notes,) remains with these chief actors in the glittering scenes, that many prosecutions take place for purloining, in which we really are puzzled to discover any *guilt* but what a ferocious law has been made to denominate it. On one of these occasions, a late learned chief justice made some cutting reflections on the actual prosecutors, who in the dearest time of the late war, allowed their cashier no more than a £100. a year to maintain a family of six persons, though daily there passed through his hands many thousand pounds of coined money, some few whereof he subtracted to supply his pressing neces-

sities. They have somewhat altered this ill-judged parsimony among those trades, since that occurrence, we are told ; but not adequate to completely obviating the objection we have here and elsewhere made.— Here we must add, it was not meant to be applied to all the individuals of those callings, nor certainly to the Bank of England, where a direct contrary practice prevails.

In 1799, one Mather in the Strand, complained, that we had given him a wrong character with a porter, whom he that day detected in acts of dishonesty. Upon enquiry, however, we found the poor fellow was not so much to blame as the master, since his wages would but just pay his lodgings, and bread, both of which were found him in our service ; therefore we did not fail to recriminate upon the master (who was a preacher as well as a Trader) that he *defrauded the man*. This latter has suffered for his so-called crime, by ever since leading a vagabond life. He was discharged by us, it appears, 10th February, that year, when bread was 1s. 10d. per loaf.

Neither of these two cases we have adduced were flagitious by reason of the amount, or the manner of obtaining it. Our wonder is chiefly excited how the men restrained themselves within such narrow bounds.

8. SALARY is not so much an object with the employer either, as to some it may appear ; but his aim should be to obtain as much labour as it is worth. Some men rise in their exertions with an increase of salary ; others again are often spoiled by a generous

augmentation. The first spoken of will include all thinking or reasoning men, those who are men with large families, and those other blunt honest fellows, who when Saturday night, or pay day, comes about, receive their money with that confident, silent satisfaction, which seems to say, as intelligibly as words can, "Now we are quits; I have served you diligently, and this is my money, of as good right, as ever it was yours."

On the other hand, young, unsteady, high-dressing, pompous, and puppyish fellows, lose themselves in that continued anxiety they are always under to make a dash and spend their money. Late hours, drunkenness, profanation of the Sabbath, a jaundiced face, and relaxation of the physical powers, and abasement of the mental faculties, follow each other, with quick and never failing succession, in him who makes pleasure his business, rather than business his pleasure. It was a judicious remark of the elder Mr. Brown, of Cheapside, when speaking of their warehouseman, who lost himself exactly in this particular manner:—"He was worth a thousand a year to us, when his salary was a hundred; but now he costs us a thousand, he is not worth a hundred a year." This person died prematurely in consequence of his irregularities.

9. An ill-judged parsimony is generally adopted in *travelling expenses*, the consideration of which we cannot separate from that of the travellers' *annual salary*; the evil not being felt immediately, is generally pushed too far. In fact, extremities of all kinds ought to be avoided, especially on this tender score,

the obtaining good orders in the country, (having the same effect as making large sales of goods by hand) being the life and soul of business. A shilling or two per day, extra, ought not to be grumbled at, when adequate orders are obtained ; and if the expenses do thus mount up, perhaps it would be adviseable to require the production of the house-bill, at those towns where the heavier expenses have been incurred. No reasonable man would feel chagrined at the minutest enquiry into his accounts ; but Travellers on coming off a journey are very tender in their feelings : the practice of domineering at the inns, the hilarity of good fellowship which prevails every where along *the road*, with the animal system full of good living, and health crowning the whole, renders a traveller a very touchy subject to scrutinize immediately upon his return to town. We advise postponement at any rate, though the heighth of extravagance should not go entirely unnoticed.

Numerous instances occur to our minds wherein “ a shilling saved was *not* a shilling got.” One very flagrant case came under our observation, not as mere subject of chit-chat, as such things do sometimes come out, but in our other character of a peace-maker or referee. A good deal was said by his employers to one B——, who travelled for them many years before, and has since, on account of his expenses having been so high as 22s. 6d. ; while the junior partner, went over the same ground for less than 18s. and his senior at 21s. 3d. a day. A reference to the business done by each, however, set the matter in quite a new light ; the junior did indeed “ go over the ground,” as the phrase goes, but to so

little purpose, that he had better have been asleep at home; and the conclusion to be drawn was so obvious, that nothing more was said about the traveller's expenses; but at Christmas following, the senior handed him over a *bonus* of fifty pounds.

This was as it ought to be: the additional profits were much more than commensurate with the additional charges; indeed, a rough glance told us, that the returns by the traveller were double those of the parsimonious junior partner, and evidently much greater than those of the senior.

OF MARRIAGE, EARLY AND PRUDENTIAL, &c.

10. Early marriages have been deprecated by all *writers* upon *pecuniary* affairs, from the moment that Trade first dawned in England to the present time. The arguments against precipitation in this great and momentous *step*, are strong and threefold, when it is taken without due consideration of the ways and means for supporting its attendant expenses. In any other view of the subject the dissuaders must be wrong, unless they have got to alledge paucity of physical powers, or apprehended abasement of the faculties. The usual objections, current in the world, as society is now made up, are, that hurried, or forced matches, are seldom wholly happy or permanent, and that they are easily dissolved in adversity; but, if the prospect of neither of these visitations disturb the married Tradesman's repose, they further object against early marriages, the charges a family of children bring upon a young couple when they are least capable of bearing them,

added to the distraction of the husband's affairs, in consequence of the infringement upon his hours of rest, *his leisure*, and his business, by the cares, the tears, and even the smiles and endearments of his wife and little ones.

But others, again, oppose to those reasons an axiom that nothing can withstand: "Whatever is to be done properly, cannot be done too quickly." So they have only to satisfy themselves that a match is *proper* (in some one kind of way or other), which they easily persuade themselves of, and then recommend, without hesitation, the plighted faith of the young couple, and a speedy union of vows, and bodies, and minds, that is to last to the end of the lives of one or both the contracting parties.

Now, in our humble opinion, the wisest will be found in the middle course; neither protracting too long the preliminaries, nor embarking too hastily upon so important an undertaking. *We very often discover something interested in either extreme.* When the young *woman's* parent cunningly, or niggardly, means to withhold the pecuniary assistance necessary to setting forward the young couple in life, he either withholds his assent to the match, or forbids it altogether. Our young folks are thus driven to *steal* a marriage, that dangerous alternative of their loves, (well if it be no worse); or the bridegroom takes her indignantly without a portion, and small happiness or cordiality afterward exists between the elder and younger families. Other parents or friends precipitate clandestine marriage, in order to avoid making that previous settlement of her property, which the lady's friends had a right to expect; than

which nothing connected with this part of our subject can be more ill-advised. On the contrary, should any couple who read this have forgotten or neglected such settlement down to the present moment, let them not read another page of this work until orders are given for preparing a deed for settling on the wife a certain sum of money, *her property*. The conveyancer can tell how this is to be done; but we know better than he does, if he advises the Tradesman to *lock up* any money in the *funds*, as security. In no case whatever ought the Tradesman who is working up hill, by means of his own activity and that of his money, to leave a farthing in the *sleepy funds*. Let him resist, tooth-and-nail, before marriage or after, making any other settlement than a *general one* "arising out of his property, stock in trade," &c. enumerating any other property than stock in trade, if there be such, as leases of his premises, or other deeds. *Expectancies* may be thus pledged when they are certain.

That he has "money in the funds," is very well to say of a person out of trade, though *the sum* is not *money* either; but for a Shopkeeper, or mere Tradesman, the most egregious folly must be connected with *his* attempting to lodge a farthing there for the first fifty years of his life. He is guilty of an oversight who leaves there, for a day, any stock that may devolve to him by marriage or otherwise. On this subject see farther on "Stock Exchange, Gambling in the Funds, &c. in Chapter IV.

11. Certainly, if a young man be well settled, and has nothing to perplex his mind but the lauda-

ble anxiety of getting on in the world, with Trade increasing, circumstances easy (or that may be made so by the marriage) a young woman of some competence presented to him, and he of course inclined—Why in the name of nature and common sense, should we persuade him against wedlock? Rather, let us demand, why should a man remain single a day, who hath it in his power to marry to pecuniary advantage, a woman whom he is sure he could love, and of whom, with a coming family, his exertions are equal to the maintenance? It is a consummation to be wished for, rather than deprecated. Possibly some fears exist that he may become too uxorious, and thus neglect business; probably, some old relative or guardian wishes still to keep the young man, or his property, longer and longer in the trammels of clientship, of servitude, or other dependance, and thus to retain still the management of his affairs.

Let the young Tradesman look to these objections, and strive to obviate them; *the first*, by resolving to observe *the rites* with moderation; for a man may love his wife too much; *i. e.* foolishly before folks, by too much toying, and subserviency to her humours. Many men spoil their children (babies) in the same way. Fathers should not nurse children *before folks*: to him belongs that dignified kindness which conciliates the esteem of his offspring, while it serves, in future years, as the last resort for repressing offences, when the mother's authority becomes insufficient.

Secondly, Whenever it may be found proper to sever connections with his relations or guardians, who do not choose to quit their hold with a good

grace, it is advisable that he give them no excuse with which they may apologize to each other for behaving dishonestly (let us say) towards our Tradesman. Themselves they can easily persuade, that that conduct is alone correct which detains his property in their hands, subtracts from its amount, or involves him in a suit at law for the recovery thereof; for, there are none so ready as relations to plunder one another, because they may do it with impunity as they apprehend, and keep the hour of reconciliation at their own option.

12. Of amusements, pleasures, and recreations, we have spoken occasionally in the course of these pages; and although it might seem befitting in this chapter to entertain a more complete discussion, to us it appears little more remains to be said here, than as regards the wife the Trader may have chosen to partake in those, as well as his toils, to be the partner of his cares and labours, as well as his enjoyments and happiness. Before children appear, she must be vicious, if her greatest pleasure is not centered in her husband's company; vain, if she dresses so as to excite admiration in any but him; this, therefore, is the season when he can turn to advantage his presence, or convert his absence into an implied punishment. With these well-managed, his inculcations of what is right and wrong will be received with deference, with profound respect, and leave deep and lasting impressions: but they must be founded in sound reasoning, have proper and beneficial objects, supported by example, and be easily understood without the use of many words. For

women are more acute in their sensibilities than men, and afraid of being treated like children, or of receiving commands without the *reason why*; but *discussion* though they love it, should never be granted them, since no woman ever yet managed an argument fairly, none ever capable of abstract philosophical reasoning, or of drawing a sound deduction from a clear hypothesis, to which might be added one or two corollaries; for the structure of their minds playfully takes in these latter as the chief objects and aim of the argument, which they unmanfully leave to shift for itself.

This inferiority of the mind, added to physical weakness, superinduces, in women, admiration for law, which was indeed instituted for protection against the strong, of those who might be weaker in mind or body; but this spirit must be repressed. We shall speak to *the men* upon this subject in the next chapter; meantime to both men and women we address the few remaining pages of this; and first as to

HEALTH! which few men properly value, until they have experienced the reverse; in the same manner as no man is said to set the proper store by a good housewife unless he has had an opportunity of observing, and studying the conduct of an untoward one; so, that man is said to enjoy solitude most whose ears have been outraged by the brawlings of a mob.

13. Until lately a veil of mystery hung over every kind of learning: human science was thrown into shades, in which its professors alone saw their way about. *Physic* was eminently in this predicament;

the practitioners in which art were, at the same time, the coarsest of all who pretended to learning: they even fought for their opinions, and canvassed with acrimony the articles of their respective beliefs. Scarcely more virulence was maintained by the polemics, who discussed modes of worship, or of discipline, in their churches, than animated the soul-fled bosoms of the *healers* of corporeal ills. But the tearing away of the veil which covered the mystery of medicine, and having rudely exposed its heretofore secrets, were replete with equal mischief: the lowest among us, without any pretence whatever, but impudence, or any preparation for the task than what they derived from the village schoolmistress, set up for *Doctors of Physic*; i. e. apothecaries, dispensers of drugs, professed quacks with *diplomas*, or advertising patentees. Now the evil reached its summit.

The same exposure of the juggle which *let in* these innovators, brought the rest of the world acquainted with the cheat that was every day practising upon the health of the weak and valetudinary among us; no nation in Europe being so open to imposition on the score of health, as the English, owing to the chronic tendency of our moist climate and our full mode of living. There is scarcely a man of decent common sense, and ordinary observation, who could not, in three months application, make himself as competent as one of these intruders of pestle and mortar origin, to administer the ordinary medicines to his own family in nearly all cases; but, with a great deal more interest in the cure, with much better opportunities of watching the changes,

and a desire to assist by slow but certain *regimen* the operations of *active medicine*. Indeed, so much more can be done by help of *regimen*, or economy of *living*, to preserve HEALTH, as well as to recover it, than by medicine, that the father of a family has poorly acquitted himself of his duty, who is not well informed what viands will operate as alteratives, what as sedatives, what stimulant, what corroborant, &c., as well as of the nature and effects of simple medicines, and the component parts of the prescriptions in Dr. Buchan's "*Domestic Medicine*."*

Heads of families should insist upon the copious external application of water in health, as the best preservative of it, and teach, by example, the utility of the cold bath, a convenience which every man may avail himself of in the City of London, superiorly to any capital city we ever visited.

In all *difficult cases* he should early call in real and genuine medical aid; and he will know when he is thus assisted by a regularly bred man, not by the cramp words on the boxes and bottles in his shop, nor by the runnings after him of foolish decrepit old women, but by the previous inquiries whereabouts (at what *school*) he received the rudiments of his medical education. Even then, when satisfied upon this essential point, he must watch the movements of his bottles and his powders, his bolusses and pills; and noting this truth, that the same medicine administered in the same form several days together (say three, four, or five) not only

* The genuine Edition, printed for T. Cadell, in the Strand, and others.

cannot have the *same effect* on the body as at first, but ceases to have *any* whatever; and he will then discover that the doctor, so far from making the patient well, is only making a bill for himself.

Dr. Buchan's book on "Domestic Medicine," is a very proper and necessary manual in the hands of judicious heads of families, chiefly as regards the prevention of diseases, the regimen to be observed during their continuance, and the familiar and easy description of the symptoms. The evil to be most dreaded in its use, is that of *too much physicing*; females in particular are apt to have recourse to medicine too soon, and continue it too long, whereas nothing is more evident than, that their main *forte* lies in administering to the regimen by culinaries and possets.

MORALS AND RELIGION.

14. The master of a family will find his account in the morals of his household: we say this in the *mere* trading spirit, to such as may neglect or undervalue morals for their own sake; but he will redouble the return if he sincerely feels what he inculcates: the instruction or advice that comes from the heart, takes deeper root than that which is derived from a cold, calculating head. Besides this, acute observers among the young folks, may discover that his *conduct* is prescribed, and his words matter of course. A strict attention to the observances of religion, and a short inculcation now and then, of its happy effects, will teach the people of his household, that there is **ONE** beyond himself to whom they must account for

their errors, as well as for any temptation into which they may be led. The master will thus guard his property during his absence, by the fear of that divine anger which would be ever present to their thoughts when the tempter is at work, and deter them from crime.

Notwithstanding we have thus spoken of no more religion than is absolutely necessary, of the quantity that is indispensable to the right management of a family, we have no quarrel with those who carry it much farther; nor do we indecently recommend any one mode of faith before another (being truly latitudinarian;) but with those who do not adopt some one method or mode of worship sanctioned by the faith and the practice of its founders, and upheld by the example of numerous worshippers, we will speak a totally different language.

Do they complain of neglectful servants? disobedient children? of an uncertain subordination? of dishonest tricks? Let them look for the causes in their own neglectful habits, to the desertion of their own duties towards Him who is above all, who sees all, and governs all, and a due regard for whose omnipresence would have governed the household, had they been properly taught deference for him, and his name, and his ordinances, who is the Father of all.

We should consider it a dereliction of our duty, were we to pass over a mistake, of quite a different tendency from that just now adverted to; we mean the *over-acted* observance of family duties, which do not interest the heart, but have the lamentable effect of turning it aside in some wayward instances.

These we have noticed frequently to be produced by the great number of *prayers*, being ill supported by the requisite number of corresponding *good acts*: on the contrary, the little arts and managements peculiar to every different species of Trade, and which are called “dishonest” by those not immediately engaged in them, are at variance with the morality taught by the Scriptures; to say nothing of any little peculiar traits of character possessed by the teacher himself. Hence, his practices render his religion a religion of observances only, that cannot amend, because it does not interest the heart; and Malevolence, with her hundred tongues, goes about to assert, that the affectation of religion is made the cloak that is meant to cover moral misdoings.

CHAP. III.

OF THE RECOVERY OF DEBTS, THE LEGAL DEFENCE OF PROPERTY, AND THE CAUSES AND EFFECTS OF LITIGATION.

1. FROM Book-debts and Bills of Exchange arise the principal part of Trading disputes; and next to procuring the means of forming them they occupy the most anxious cares of every order and degree of Trade. We therefore request to be considered in what we shall next say, as having a particular eye to those, unless other kinds of property are more distinctly pointed at.

Accuracy and plainness in his accounts invariably denote the best bred Tradesman; * but too many, even of such as are thus commendable, neglect to obtain, or do not preserve with sufficient care, proof

* Whenever it happens that books of accounts must be produced in a *court*, the plainest manner of keeping them being easiest understood by the practitioners there, as well as by the majority of jurymen, the advantages such possess over the complex or slovenly methods, must be strikingly apparent, as it conveys to the court a better feeling towards the oral testimony which may be given at the same time. The case is not altered when the matters in dispute are left to arbitration, although the arbitrator be a Tradesman. See Chapter IV., where this point is further discussed.

of the *delivery* of their goods, and proof of the hand writing of their debtors, such as can avail in a court of law. A precaution not to be slighted, considering the litigious disposition great numbers of men are prone to indulge;* particularly when they find themselves closely pushed for payments by others, but which they are unable to discharge. Without *good* proof of delivery, scarcely any book debt which is contracted can be recovered by law, unless a subsequent *admission* is obtained of the validity of the demand.

Admissions, or verbal acknowledgments, however, standing alone, do not constitute the most desirable kind of proof to be adduced; a piece of information we think proper to insist upon at this early stage of our labours on legal subjects, since upon its judicious use and application mainly rest the recovery of debts

* To the increase of property in this country is attributed the great augmentation of this evil disposition, and the consequent increase of the number of lawyers, particularly in the metropolis—the focus of litigation. No less than one hundred and sixty-four new candidates to be admitted attornies of the court of King's Bench appeared in Trinity Term, 1819. Some again, (travelled persons, and *so-called* philosophers) say, we owe our hateful propensity to law-suits, which we deplore as much as any men can, to our descent from, and intermixture with, the people of Normandy, who are proverbially addicted to querulousness; to “*parle en Normande*,” being still a good and significant French saying, of such people as measure their own words, or seek for legal quibbles in the language of others. But we think we have noted most of this disposition in the Welsh, who are reported to be nowise contaminated with Norman blood; and who, taken in the aggregate, of all the provincials of South Britain, are most unquestionably less burthened with property.

of whatever nature they may be ; numbers of Tradesmen relying too firmly on the efficacy of admissions, learn too late the caution with which these are received in a court of law. But, the obtaining notes of hand or acceptances, or other written evidence, is completely dissimilar : these speak for themselves, and, when the hand-writing is sworn to, are received as conclusive proof ; whereas *words* merely, may be mistaken, their meaning changed by prejudice or perverseness, or be forgotten altogether, to say nothing of the vexatious cross-examinations of garrulous brow-beating counsellors. He who relies on verbal construction for the success of his cause, rests on a rotten reed : hence arise the necessity of *new trials*, and postponements, with their attendant *motions* and expenses, in order to make use of the new light which has been thrown upon *causes* at the first trial, and verifying the stale complaint of the law's delay.

2. The early recovery, (like *short credit*) of the debts due to every person carrying on extensive Trade, is a principal object with the best informed Tradesmen ; and this, with the care of the ledger, occupies a large portion of the very best talents of the counting-house. But the propensity for *law* may be too great, and often leads to that precipitancy in Trade against which we inveighed generally in a preceding page ;* only that these disputes are more positively expensive and distracting, and conduce more certainly to destruction, than any other error in

* See Section 6, Chapter I.

Trade ; chiefly, because one suit at law invariably engenders another, whether the subject attacked by its *mania* is a gainer by his first efforts at controlling others, or, in his vain endeavours to enforce payment from the debtor who has it not, he loses not only his debt but the expense of becoming the dupe of his attorney. It therefore behoves every man in Trade, who is about to enter upon a suit at law, to ascertain *first*, whether his adversary is *capable* of paying, and, *secondly*, whether he *will pay*, if he loses his cause. Gamblers by profession best understand this maxim : they never lay wagers with their brother black legs, when these are in a state of penury ; a man on a broken down hack, who should offer to bet a hundred on the event of a race, would be scouted by all the field. In this one respect, this reprobated set act more wisely than the men in Trade we have just now contemplated.

3. His next care as to time, but first in importance, upon going to law should be most assiduously to ascertain, and collect together *upon paper*, what it is that constitutes his proofs of the facts, and whether these will bear him out in court. For the rest, we had almost said, that the successful issue of a cause depends less upon the nature of the fact itself, than on the kind of proof it can be supported by ; but this much is clear, that it signifies nothing what the real fact is, unless it can be supported in court by that kind of proof which is usually accepted there, according to the rules of evidence, which are tolerably well defined.

But very few attornies in London trouble them-

selves about the law of evidence, and those among them who know best will not always communicate to their clients, what are its bearings on their particular case, although on this vitally important point principally depends the final result of the *cause* in which they are engaged.* Their greatest care being to fan the flame of discord, they answer vaguely every question on this head of inquiry, and give false hopes of the termination of the suits they may have in *hand*.

When the proofs necessary to secure a successful issue to a cause, have not been previously collected, and the persons who are to give evidence put upon their recollection, it frequently happens, that the facts never can be obtained completely after the commencement of an action, or are imperfectly elicited even from the members of a man's own family. For, upon the first indication of hostilities, the defendant draws himself up, as 'twere, the better to repulse the threatened attack; and many persons too of the best intentions, from innate modesty, or a foolish timidity, hesitate to communicate information which they know has a tendency to bring them into the witness-box of a court of law; † a taciturnity highly inimical to the due administration of justice, which is best conquered by gaining the desired in-

* Vide "Peake on the Law of Evidence," 1 Vol. 8vo.; a very well received book, every new edition of which has undergone fresh augmentations.

† Many criminals escape, from the same ridiculous conduct on the part of prosecutors and witnesses. But they should reflect, that justice belongs to the country, and no one has any right to obstruct its progress.

formation *before* the parties become acquainted with the meditated suit.

Previous to a plaintiff's intentions becoming public, if the proofs of his cause are weak, he should know that an unsuspecting debtor is *all abroad*, and open to admit the main facts, or ready to sign any proper instrument, by which the claim may be established. But the more wary debtor, or he who has infringed another's rights intentionally, or meant originally to insult or degrade him, as well as he who, by parity of reasoning, has good cause to suspect that what has happened once may happen again, as to precipitate suits or heedless actions, all such are prepared before hand to defend themselves and their cause to the uttermost. For example, ourselves, in all we have herein said, or adverted to, or shall hereafter say that requires notice of what is passing in the Trading world as illustrative of our positions, in which the names of persons are involved notoriously litigious, or otherwise despicable, as we preserve no terms with such people, so have we kept a good watch after, in order to guard against all they are capable of doing in the premises,* thanks to the precautions of a cotemporary author. (See page 107, note.) But he there speaks only of Swindlers, and other men of *tender* character, who are always *sore* when they are *noticed*, be it done ever so *respectfully*; it is, however, only in this one respect (that of example) those who have ruined others and beggared themselves, can be rendered the least useful to pos-

* We "*parle en Normande*" according to the phrase. Vide page 157, note.

terity, or make any compensation to insulted society for their vicious habits of litigation or otherwise. There are also many men whose good actions entitle them to notice, as patterns for the imitation of the rising generation (and whom we have also used as examples,) but who affect to be too proud to suffer themselves to be held up to the admiration of posterity; a feeling which arises partly from the consciousness of some latent turpitude, or the more excusable apprehension of exposing one or the other of those shapeless defects, which, like spots in the sun, adhere to the best men among us.

CHICANERIES OF LAWYERS.

4. Law, like most other practical matters, has two *sides* to it; not only the well-known technical sides of *plaintiff* and *defendant*, and the popular ones of right side and wrong, but also the sides obverse and reverse: upon viewing either of which, *affirmatively*, the other may be seen without turning, by a simple *negation* being put upon all that has been shewn on the other side. In plainer language, what is meat for the one must be poison to the other, so far as the affair in hand is concerned. This is a point very proper to be adjusted by comparison of the two cases, before "*issue is joined.*"

Already we have seen what are some of the prudential preliminaries to an action at law, and we shall shortly come to review the conduct that is proper to be pursued for the recovery of just debts; but *first* of the misconduct too often put in practice by men of property, or, what is the same thing, by

men of extensive dealings, which places them in a situation to harrass and perplex less fortunate Tradesmen, although at a certain loss, and not less eventually certain ruination. As the experience comes too late that teaches these men how much and how dangerously they overact their parts in this particular, we previously forewarn such Tradesmen of the evil effects of *too much law*.

The examples are many, striking, and well authenticated, of well intentioned men being cozened into litigation, with its attendant expenses and consequent ruin, by the arts of their lawyers ; and of others who are led to take the same destructive course, by the dictates of a perverse disposition. We have not been sparing of trouble in gathering together a good many instances of both kinds, to hold up *in terrorem* of other wayward Tradesmen, but we suppress the greater part through satiety, and in despair of working the least reformation upon such as are foully engaged in hurrying others, and themselves, towards that vortex which has swallowed up so many in its quibbles and its inextricable mazes. Animated with the wish to be useful, if not beneficial, in our monitions—after reflecting on the well-authenticated fact, that the far greater part of the Tradesmen who inhabit our prisons, have been consigned to those walls by the *arts* and through the *unfair practices* of the lawyers, we may have expressed our sentiments and feelings too warmly, whilst we intended to be energetic only: but we offer no apology for so venial an error. In pursuing our task to its termination, in the consideration of the legal miseries attendant upon a declining Trade, and the ultimate

extinguishment of a Tradesman's hopes, we shall have a constant regard to those arts and malpractices, with the view of bringing about an honest and equitable result, with as little of the lawyer's interference as is consistent with the statutes and with propriety.

5. As soon as a Tradesman opens his shop, or warehouse, he will find plenty of designing people endeavouring to take advantage of his inexperience, and imposing upon his credulity. The arts of these it is our design to expose, and guard him against their wiles. And first of the lawyer: those of the better defined villains belong to another work (quoted at p. 93, note, and 107, note) in which the culprits guilty of statutable offences are painted to the life. The common practice among Tradesmen, when they are attacked by either the one or the other kind of rogues, is to have recourse to the *lawyer*, who, in turn, endeavours to embroil his client still more, and to beget in him a litigious disposition, and then terms him a *good client*. A title, by the way, as ruinous to a Tradesman's family, as that of *conqueror* is to the nation who confers it.

Before we advance a step further, it becomes our duty to answer the apparently weighty objection to all that has been, or can be said, concerning the chicanery of lawyers; this is the self gratulation every man hugs himself with, that he has the good fortune to employ "almost the only honest lawyer that is to be found in a long while." Such a silly *client* may be happy in his attorney, and we wish him much enjoyment in his lulled-up security, until

he discovers his mistake. No doubt, there are honourable men in the profession (some indeed who do not practise *in the courts*, and are therefore void of censure;) but the number is so few of those who are disposed to forego making a job of every client, that we shall offer no further exceptions beyond this one general acknowledgment—that such do exist. A very great fault is it for a Tradesman to designate another “his attorney,” or to say, “I shall ask *my lawyer*,” for as sure as he does so, the harpy becomes a licensed buccaneer: a good antidote to the malpractices of which we complain, is to consult two or three lawyers alternately; they then keep each other in check, each dreading the influence of the other may abridge his own. If proofs were necessary that we are not alone in the opinion we entertain of *the profession*, we might adduce a hundred from the mouths, or the serious writings, of persons revered by all men who study the subject;* but we forbear.†

* A writer, whose publication we read with pleasure, because we always rise instructed from the perusal, has very sensibly observed on this topic:—“Lawyers generally are as little friendly to liberty as their profession is to *justice*: their minds are narrowed to their briefs, and their hearts are often seared to feeling, by the indiscriminate prosecution and defence of its violation. Still, as they exist, we have only to endure them, always remembering to avoid them when we can, and never suffer ourselves to be infatuated by the wily tongue, or the ingenious devices, so as to admit one of the *practising fraternity* into our *friendship*.”

“The motions of his mind are dull as night,

“And his affections dark as Erebus—

“Let no such man be trusted.”

MONTHLY MAGAZINE, 1819.

† Abroad, the Prince of Hesse Darmstadt, in April, 1819, or—

No inexperienced Tradesman can calculate the destructiveness of thus indulging a spirit of litigation, or a splenetic disposition. If a man be ill-tempered and *waspish* he hears of it again, and feels its effects, either by a *return in kind*, or in the silent despication of the more moderate and worthy part of the community; but if he push litigation to extremity upon every occasion, he is in time literally detested. People go warily to work with such a man, and he often finds himself foiled at his favourite game of *proof* and *defence*, by reason of his notoriety having induced the opposing party to adopt unusual precautions in obtaining *legal evidence* against his cause. In this spirit it was, that one wrote to a litigious fellow, in answer to a lawyer's bullying letter:

“ Dear George,*

“ Knowing full well how fond you are of law, I beg to inform you, I have taken exact *measure* of you for a *suit*, and I send the bearer to see how it *fits*; he will settle the difference between us.

“ D. OGILBY.”

clered all the lawyers in *his* dominions into the army; the ordonnance to this effect appeared to be the punishment for some offence. Frederick the great, King of Prussia, treated them still more scurvily; and with Paul of Russia, they were never in favour. But in neither of those principalities is the same apology to be found for the disposition for law, as is adduced in this country (*vide ante*, p. 157, *note*), *viz.* the great increase of property; so that, coupled with what is said before, we are led to conclude, that the lawyers' apologist is stripped of his last shift.

* The word *dear* has two meanings; and in the sense here used, was intended as a reproach for the notoriously *dear* prices at which George charged all his goods.

It is worthy of note here, that *the bearer* was a lawyer, who having made a *legal tender* of about one-fourth of the demand, and the return of some imperfect goods, this offer was accepted; for the letter-writer's documents of sale and delivery, *per contra*, were unanswerable; attempted knaveries of this sort are of every-day occurrence.

6. Strongly and energetically as we would inculcate upon our readers the destructive nature and ruinous tendency of a litigious disposition; striking as are the proofs hereof, and numerous though we could make them as the pebbles in the street, yet are we far from meaning to convey the faintest idea that law is to be renounced *in toto*. By no means: a *public declaration* to this effect, would be the surest method of bringing lawyers upon his back. On the contrary, we strongly recommend that an attitude of constant preparation for action (if we may borrow terms from the art military) should be kept up. An *averseness* to law-suits and lawyers, should be as carefully suppressed in *words* as the *sentiment* should be felt in reality. Treasure up the aversion, cherish it, but do not invite the enemy (we say), by holding out a hope that the garrison may eventually capitulate.

We even think an unsparing example, now and then, in a large concern, would operate with a good effect; not strictly as *striking terror*, but as shewing the debtors thereof generally, (who would most probably hear of the circumstance) that the plaintiff is not to be *trifled with*; for so many of the *lesser retailers* are careless of their acceptances, that they

now and then require a *fillip* to keep up their attention; and we know of nothing more effectual than the course we have pointed out, though very harsh in itself, and partaking of much pecuniary danger.

In *disputed accounts*, the lawyer advises his client to listen to no *compromise* of *his case*; he dreads the mention of "a reference to two Tradesmen," as a threatening to abridge his own charges, an effect which the adoption of that safe and only just measure would most undoubtedly have; but has any man cause to be choleric (as we have seen lawyers at such a proposal) because another does not choose to deal in *his wares*? has a lawyer a right to *seek* for *employment*, in preference to a more amicable and less expensive adjustment? Let him but have his way, and he will issue a writ, "as the only means of bringing the dispute *to issue*;" and thus two Tradesmen go to loggerheads, and distract their attention from the cares of business to those of law, while two attornies widen the breach, pocket the fees, traverse each other from court to court, and as a means of supplying these calls upon the pockets of their clients, suggest new suits against sluggish debtors.

7. Lawyers look upon their *clients*, they say, as we Tradesmen look upon our *customers*, as "the

* A very judicious pamphlet on "The Duty of settling disputes by Arbitration," was published about thirty years ago; it was attributed to a Reverend Mr. Davis, and although intended for the use of his parishioners only, contained a great number of excellent general observations that will never be erased from our recollection.

sources of profit, and of *honourable* competency:" we wish we could write "honourable" without a smile. The difference between the two callings lies in this, and is that only which forms the subject of complaint against "*the profession*,"—that we do not get *value received* for our money. If the Tradesman, by over persuasion, sells *his customer* cloth, too fine for his condition, or a yard too much for his occasion, still the customer wears a better garment in consequence, and value has been given to the full amount of the money laid out. Whereas the lawyer draws his client into an action at law, when he knows, to a moral certainty, that the poor devil of a defendant neither will nor can pay. Not the semblance of inquiry is set a-foot, to ascertain whether upon obtaining a verdict in his favour, enough will remain to pay the plaintiff's *sheer expenses*, to say nothing of the *debt* itself; although every day's experience tells us, what futile suits are instituted, and on what unstable ground many a cause is brought or defended upon.

In *Trade*, we invariably make such inquiries as are sufficient to satisfy us of a man's capacity to pay, before we give place to his name upon our books; and why should not the same inquiry be made, when we become security for the wanton bill of costs of a lawyer? The incipient steps of an action at law, are hurried on under a variety of lying pretences: sometimes the plaintiff is told "a writ will alarm the debtor into payment, seeing you are so near term;" or, "let us lock him up without notice; we can then make our own terms with him, and take his warrant of attorney for payment of debt and costs."

All the while the cunning lawyer keeps in the background, or stifles, as they may be suggested, the well-known facts, 1. that he will not be "locked up" for a moment; or, 2. if he does so catch him at a *non plus*, the unexpected harshness of the measure will drive him to distraction; and he either goes to prison immediately, or he parries the action at law to the last extremity, before he adopts the last sad alternative of expiating all his debts and troubles in a three months' incarceration.

Then it is the lawyer and his client look the least like a Tradesman and his customer, of any time. An abortive action has been pressed forward, at an expense of thirty or forty pounds, perhaps more; the man of law brings in his bill (of costs) for having occasioned by his *precipitation*, to call it by no worse name, the entire loss of the debt; whereas, but for his intermeddling, rampant advice, the creditor might have recovered goods (most probably) in part, if not to the full amount, of his original demand.* For that debtor, who is an honest man, will be glad to comply with a mode of adjustment at once so easy and reasonable; but if he refuse this, he is not an honest man, and all the coercive measures in the power of the law, probably, will be unavailing to make him one. On the mention of this equitable mode of adjustment, the lawyer again puts in his objection: "No," says he, "do not take your debt in that *dribbling* manner: I would have my money all at once; or, at any rate, you will have

* Vide Chapter I. Section 31, where we treated of "Bad debts."

two good securities (his *bail*) for the money, if you will but make an affidavit of the debt." To be sure, any man *can* make affidavit of a just debt, but will he thus incur the danger we have pointed out? If he would not, then let him not swear, for this is the first step to the action.

Most Lawyers talk of this sort of security as residing in the bail (bond;) but, "Mark me, reader! whoever among them, seriously offers such a fallacy to your belief, is a *big rogue*." Bail is nothing more than security for the man's *body*, that he shall come forward *in court*, to answer the plaintiff, and try the merits of the question, or else go to prison. We have known a man go to prison for want of bail (or, rather, he has been surrendered by *one* of them, who became chicken hearted,) and whilst there he has defended his action, and overthrown his plaintiff, who quickly changed places with the oppressed man. This is an incident fit for a painter or a play-maker. Out of the many thousand actions that are bailed yearly, there may be two or three instances, perhaps, and no more, in which the bail pay the debt and costs. He who writes these pages, is one instance, and he never yet, after much inquiry, saw, face to face, another such a fool as himself.

PROGRESS OF A SUIT AT LAW.

8. But circumstances may arise which would imperiously require that we should enter into a law-suit with vigour: nay, even in which to spend one's all and go a begging, would be honourable, but this is an extreme case, which cannot belong to Trade, as

Trade, is without its boundary, and therefore to be discarded from our notice with one word. For instance, it cannot be called Trade, but something else, to give a favourable character of a rogue, and so lay one's self open to an action for the amount of loss sustained ! nor is becoming bail, nor giving security for another, (either for ' due performance of contract,' for ' upright conduct in office,' or for repayment of money borrowed) a matter of Trade, but an act of friendship, that *may promote the interests of the bondsman*, but is wholly at variance with the sober interests of his *Trade*, considered in the abstract.

The lawyer must be employed (so says the *written law**) in all cases of transfer of leasehold property, &c. deeds of partnership, marriage settlement, and other instruments of the like nature ; as also to put in appearance to " Copy of writ," the writ of "*Quare Clausum fregit*," (which puzzles most men upon whom it is served for the first time) and to the " Exchequer writ and declaration," which charges defendant, by slight of hand, with owing very large sums of money to his majesty. In this last named court, only a certain number of attornies are allowed to practise, to the exclusion of all others ; and if at any time it becomes necessary to put in an *appear-*

* By the statute that laid additional duties on attornies, conveyancers, and the like ; but does not extend to memorandums of agreement, apprentices indentures, or wills, to draw which is competent to any man ; and they are, in fact, better done by *non-professors*, since thus the engendering too great familiarity with the lawyer is prevented.

ance to a process issuing from the Exchequer, our reader had better apply to one of these than *his own* attorney ; since this latter *must* employ one or other of those to carry on the cause, and he charges his own *agency* into the bargain.*

The writ of *Clausum fregit* (which is the favourite mode of commencing an action with *informers* upon penal statutes,) is the incipient proceeding out of the Common Pleas, charging *defendant* with having broken into plaintiff's enclosures, whereas probably he has none to be broken into. However, this court having been established for the protection of landed property, as the Exchequer is for protecting the revenue, neither of them have any other means

* We are not quite certain, that pleas for debt between individuals residing *in London*, can be maintained in the Exchequer, without infringing the privileges of the city by that *fiction*. The question remains to be tried. But in exercising those Trades that are liable to taxation, should an error arise which subjects a man to this writ, *bona fide*, he had better *make up* or compromise the fine, with as much speed as is consistent with safety. The same as to mistakes in using wrong stamps ; but then he should go before the commissioners and explain fairly how the blunder arose—for we will not suppose any man in Trade would be so silly at this day as to write without any stamp whatever, *instruments* which the law has charged with the duty. Exciseable articles subject transgressors to the heaviest penalties, and if his trade is liable to that impost, the Tradesman who is ridiculous enough to incur them is a marked man to the end of his days : he should prepare for “ the hearing,” when the commissioners choose to proceed by that means, with the assistance of a keen *qui tam* attorney, and meet the explanation of his conduct fairly, and assume the appearance of candour, though for the first time in his life. Counsel may be employed ; no fees are taken ; and there is a right of appeal.

of enabling the applicant for justice to call defendant before them. But when at length, he does *appear*, the real cause of action is *declared*. That proceeding is one of the *fictions* with which our common law abounds, and in those and some others, are said to reside the safety thereof.*

We are rather premature in giving hints here, but we may as well observe, that it is not good to be in *haste* to offer a compromise, satisfaction, or payment of the actual balance (*legal tender*) in the event of a *service* of this sort. Nor is it safe to trust to an attorney, during the time that must elapse (*four* days certain, or until within four days of the next term) after serving the writ, before he can take other adverse steps. Some attornies will cajole with negotiations a witless defendant, until the *essoign day*, (see *almanack*,) when attornies are entitled to charge *draft of declaration* upon unsettled actions, or until the *first day of term*, when they will actually file it against those who seem indisposed to defend their causes to extremity, lest they may call with money in hand, to pay debt and costs *already incurred*.

9. Lawyers and their *writs* become necessary evils at times, and even the desirable and proper means upon many occasions of asserting our rights, or recovering our debts, under desperate circumstances. These are, upon occasion, 1st, Where a new debtor who is at fault, may be strongly suspected, with *good*

* "*In fictione leges esto salutis.*" Bracton de legibus : 1 vol, folio,

reason, of some unfairness in trade, or gross deceit in obtaining credit at first. Or, 2d, in giving undue preference, under adverse circumstances, to some other creditor, who has no other claim to such preference than his consanguinity, perhaps, or that *he* is notorious for bearing hard upon all the unfortunate persons who deal with him.* 3d, Wherein either of the parties to a dishonoured bill is engaged in, or involved, by dangerous practices, or unfair transactions ;—as, for instance, smuggling, liability to government processes,† speculations in the funds, monopoly, &c.‡ In these cases and under some similar circumstances, we have always exercised a

* Should this precaution be generally acted upon, the reader will perceive the danger of dealing with harsh unfeeling characters, who stand accused at the bar of public opinion, of that crime in commerce which sweeps all before it. See *Cognovit*, Section 24, *infra*.

† Government will excuse we know being thus classed ; but in a strict Tradesman-like point of view, looking at the facility with which of late years there have been issued “ Extents from the Exchequer,” (that insolvable proceeding !) we must conjure the conscientious Trader never to spare that defaulter a day who has laid himself open to the sweeping desolation of an “ extent in aid” (*of the revenue* is meant) which has been compared, aptly enough, to the desolating land-gale *Simoon*. The manufacturers of a taxable article, the collectors of taxes, the stamp distributors, their debtors, their securities, and all those who owe money to such as owe money to government, are daily exposed to this dreadful visitation that sweeps away all before its remorseless fangs. That the same proceedings have been for some years turned towards persons nowise involved with government, by the *fictions of law*, is no argument in their favour, but the contrary.

‡ Generally speaking, no Broker whatever, who is a defaulter, should be spared one moment the most summary and effectual proceedings. So of Auctioneers, and agents of every class (See

proper discrimination, towards such of the indorsers as may be of good repute. For such men the *copy* of a writ will be every way as efficacious as *the writ* itself; and this act of forbearance is but paying a proper deference to fair character. No man, however rich and respectable, but must feel ire at a wanton and useless arrestation of his person, i. e. wanton and useless in every other point of view, than putting money into the pocket of the lawyer. We know a very respectable man, however, who took a pride in arresting his friends and neighbours, upon every opportunity that offered of doing so: he accordingly failed, and became a bankrupt about Christmas, 1818.

Attornies are very likely persons to come at information on these important topics. But, will they furnish it faithfully? Unhappily, no men are more slow of communication, unless they can discern profit stalking in the back-ground; but, after all, that which is interestedly given should be received with caution, particularly from the necessitous part of *the profession*. "When the poor man *gives*, he hopes to *receive*," has been said with truth;* and seeing that all attornies reckon upon charging for their *advice*, though it may sometimes not be worth a *sous*, but the charge for such information not appearing in their formidable *schedule of prices*,† they look for-

Chap. IV.), none of whom have any right to issue or accept bills of exchange, some of them are *sworn* not to transact any business on their own account. See page 76, *Note*.

* Euripides to Archelaus. Barnes, vol. ii. page 456.

† Entitled "Tables of Costs."

ward for, and fish after, "instructions to sue," as the *point d'appui*, of an action, and its *dear* attendant "bill of costs." This kind of wish frequently induces an attorney to fan the flame of discord's torch, by every wily art he possesses ; but he must not be permitted to speak vaguely (as generally happens,) or by inuendo, half sentences, or nods of assent to surmises ; with gestures or with affected delicacy, to excite suspicions, through a pretended "wish not to hurt parties," (as the phrase goes). But, confound such delicacy ! say we. What is there that a Tradesman's attorney can possibly have learnt respecting his debtor, which ought not to be openly and fully communicated ? What is become of the boasted "confidence between lawyer and client," if the former dares not speak out, as well as the latter ? Are the self-imposed obligations of honour all on *one side* ? Surely not: the whole is purblind affectation, and should be unveiled. Finally, and tersely we say, it is two to one but he hath hatched up in his broody mind, a tolerable nest full of mis-intelligence, in order to deceive and ensnare his client, against the calumniated defendant.

OF THE LOCAL COURTS.

10. Besides the common law of the land as practised in the superior courts, there are three other courts (four ?) exercising separate jurisdiction within the bills of mortality, which offer to the Tradesmen of the metropolis a ready, and apparently cheap mode of recovering debts. These demand a short notice in this place. But it behoves us to premise

that in the Courts of King's Bench, and Common Pleas, reside the power of adjustment of all causes in two out of the three, by appeal at the option of the defendant, peremptorily ; and in the other by *dilatory plea*, but which has never yet been applied for,—certainly not for want of a good cause for *shewing*. This last is the Court of Requests, for recovering debts of five pounds, for the *city* of London proper. The two others are, 1st the Lord Mayor's Court, extending in jurisdiction no farther than the last, but capable of determining causes to any amount, and of receiving appeals upon attachments, (but not of *pleas in limine*) and of staying execution in the subordinate courts held by each of *the Sheriffs*. To the 2d, Palace-Court (*vulgo* Marshalsea) belongs pleas for the recovery of debts within twelve miles circuit of the royal residence (St. James's.) It sits often, and the processes are consequently more rapid than those of the superior courts, but is undesirable for suitors in large sums, since the defendants then invariably move the higher courts, to try before them the matters in dispute ; but be the sum large or small, scarcely one action is tried out of twenty, that are brought by the marshalsea-lawyers, because the incipient proceedings being harsh, the debtors who require *time to pay* (or they would scarcely wait being sued,) bestow a good portion of the debt upon payment of costs for the defence and removal of action. This is an evil that pervades every other court, more or less, few defendants being willing to meet the merits of a just demand. London proper, or *the city*, is taken out of, and forms no part of the jurisdiction of the Palace Court. Both these courts

bear near resemblance to each other in their leading features: 1st, in being local; 2nd, in being confined to a small number of practitioners* and officers; 3d, in the frequency of sittings; and 4th, in subordination to other courts—with only one exception.

But the Lord Mayor's Court enjoys one advantage (which is the exception just spoken of,) in that all *attachments* of money or goods in the hands of *third* persons (who happen to have possession, or to owe such to defendants in this court) hold good for ever, or until disprover is made of the *surmise*, on the part of the garnishee, in this court and *no other*.† We may say there is no appeal; nor is there, out of the city, but as against any one of the *twelve* judges, or juries, viz. by petition or attainder, before parliament. But this is an extreme suppositious case; and upon the whole we must pronounce, that this court contains within itself, the elements of the most salutary and constitutional mode of settling disputes of any other, without exception. This high opi-

* In the Marshalsea, *six*; in the Mayor's Court, *four*; and in the Sheriffs' two Courts, *four* each; the number of *advocates* is confined to four for the city, and they are termed pleaders. The Recorder is judge of the Lord Mayor's Court; each Sheriffs' Court has two judges.

† The *garnishee* is he who holds the money or goods of defendant; the garnisher being the plaintiff who has attached the property, and the process is called "foreign attachment," and appears to have been instituted the better to obtain payment from foreigners, whose whole property consisted in merchandises. But, by a fiction, all non-freemen are called *foreigners*, by the custom of chartered cities, four or five of which, as *Bristol*, *Exeter*, &c. have the same right as this of London, to try attachments, but seldom exercise it. Bank stock was exempted from this law in 1697.

nion, however, is alloyed by the circumstance of some recent augmentation of the costs to an alarming degree ; * so that in all simple actions, by attachment of the *defendant's person*, wherein the sum is large, he moves it into the courts above, for sums of fifteen pounds. This court leaves the parties litigant to pay each his own costs, but still possesses some strong recommendations to suitors ; those recommendations, however, we will not further enlarge upon ; nor speak more particularly of the *Sheriff's* two *courts*, which are held twice a week each, than to observe, that these are more expensive, and, longer in operation, than the Mayor's Court, to which also the right of appeal lies in every matter, as to *quantum*, which the Lord Mayor in person has the power of reducing, if excessive, after solemn argument had : moreover, *attachments* and *sequestrations* are invariably moved out of those courts into this, by warrant of *levatur querela* ; and all verdicts obtained in them of actions of debt, actions on *the case*, of trespass, accout, and lapsed covenants, may yet be stayed being entered up, for such an indefinite time as shall appear fitting to his lordship.† Nearly all

* Now about £4. 10s. but formerly we were told " an action in this court may be brought to trial for a 30s. charge, and in fourteen days time," (two most beneficial recommendations.) Vide *Privilegia Londini*, 1702, 8vo. page 188. See also a modern work, " The Practice of the Lord Mayor's Court," 8vo. But now the expense of an attachment of property in the hands of third persons, is £1. 14s.

† The curious reader may be amused with the information, that the Lord Mayors copied royalty (to which their annual state bears resemblance) so closely, that they dated proceedings in those courts, not according to the months of the Julian year, but con-

unsuccessful defendants avail themselves of this latter privilege, as matter of course.

Writs of error, are very seldom brought against the decisions of the Lord Mayor's or the Sheriffs' Courts; but when so done, they are argued before the Court of Hustings, which appoints for the hearing special commissioners.

11. Small debts, and little balances, which in some Trades are most numerous, generally remain too much neglected in large concerns. They rise in importance, according to the proportion they bear to the extensiveness of the business carried on, and are found upon occasions, when put all together, of no mean consideration in a financial point of view, however rich or respectable the firm may be. Larger sums employ superior care; the smaller, in our best regulated establishments, being assigned to one certain clerk as his particular duty, receive that ardent application for payment, which often repeated calls *close together*, are the surest means of obtaining amicably. This failing, recourse must be had to compulsion, and the remedy may be found in the Court of Requests, otherwise the *five pound* Court, or Court of Conscience; * three appellations given to the

formable to the months which the actual mayor filled the civic chair: thus, "Atkins 26. 8," means the 26th day of the eighth month of *his* mayoralty, answering to June 26th, 1819; November being the first month.

* It has been termed "little chancery" also, jocularly and with reference to the similarity of its mode of decision; "Court of Conscience," however, is not so modern a name as the date of the

same jurisdiction, and each of them significative of its power and its guidance.

The Court of Requests, for that is its proper title, dates its origin with the first great expansion of our commerce, with the increase of which its powers were augmented ; and is further noticeable as having given rise to a general Act of Parliament, a few years since, whereby the benefits of the institution were extended all over the kingdom.*

statute which first erected it. In 1702 a scarce old book of the "Laws of London," thus terms the court held by the Lord Mayor for revising and enlarging the judgments obtained in the Sheriffs' courts, as mentioned in page 180, line 13. At page 275 of the book of "Laws" just quoted, it is said the Lord Mayor has power to send for the parties litigant in those courts, together with the record, and of putting a stop to the proceedings by his own single authority—which act of his had the term "Court of Conscience," given to it. This power was exercised by Wood, Mayor, in the case of an information against one who carried on Trade before he took up his freedom : the matter was again adverted to by a restless lawyer at Guildhall, in a Court of Common Council, July 1819 ; but the alderman seemed to feel better than the attorney what was the equity of the court, although he did not seem to be aware that he had a precedent for his guide.

* By an act of Common Council, passed in the 9th year of Hen. VIII., 1518, it is recognised as of some standing ; and at that early period went to debts of *forty shillings*, which is more than equal to twelve pounds of our present money, and proves the equity of farther extending the powers of the court. Before that time, the suitors and their debtors appeared in *Guildhall*, rather at the *request* than the *command* of the court ; whence is derived its leading title ; and the appeals which were made to the *conscientious* decisions of the court, obtained for it that addition. The *preamble* to succeeding acts of Common Council speaks the same language as we do at this day : "Whereas divers malicious persons, not regarding expense, so that they might ruin their poor debtors ; and being

When at length it becomes necessary to recover a debt, or a number of small debts, in this most useful court, the time should be chosen when the *ward* in which the plaintiff resides, is summoned to send its commissioners to sit at Guildhall.* Among these,

animated thereunto by divers covetous attornies, petty-foggers, and solicitors, did commence suits for petty debts against poor men, in the *high* courts at Westminster, and thereby caused such poor men many times to pay ten times as much as the principal debt, to the undoing such poor men, their wives, and children, and also to the filling of the prisons with the poor so sued," &c. One would almost conclude, that a *stratum* of such kind of men ran through the world of commerce from that time to this; as appears wherever printed documents or other intelligence, reach us, thence to the hour we penned the preceding sheets. An act of parliament, the *first* upon the subject, passed in 1602, calls the law just recited a "*godly* meaning" law, and complains of litigious "evil-minded persons seeking their own lucre or gain;" hereby, no doubt, having in view the practices of attornies, as before spoken of. By this act the commissioners (then twelve in number) were first enabled to administer oaths "to plaintiff *or* defendant, as any *three* of them shall think meet," with other persons, nearly the same as at this day. It is further worthy of remark, that this court was professedly erected "for the relief of poor oppressed debtors."

* *London* being equally divided into twelve parts, by two or more wards being put together, each part sends annually a list of names proportioned to the population, of such as are liable to serve these minor offices, and on sheriffs' and lord mayor's court juries, &c. To one of those *twelfth* parts, by *monthly rotation*, is a summons directed, calling upon a certain number to attend as commissioners in the Court of Requests, along with such common-councilmen and aldermen, who are commissioners by virtue of those offices, as can attend. But a Tradesman who has been once summoned and sat in the court, is of right eligible to attend whenever he thinks proper; and those who are fond of judicial authority, or influenced by beneficent intentions, or other motives (such as the request of litigants, &c.) may here usefully fill up their vacant hours.

if he is not himself called upon, he will find most likely some one or other who understands his case *a priori*; and as they are not sworn to turn a deaf ear to *ex parte* statements, so is it no crime to explain before-hand the grounds of the application, if it be a disputed one. Generally, however, the defendants require only *time to pay*, which the commissioners are *bound* to give; and, according to our tenets of debtor and creditor, a needy man pays much more certainly by easy instalments, than by being worried into the trammels of the law, in which he *must defend* himself, and deny untruly the cause of action.

But this court, like all other human institutions, has its *defects*, which would be increased by augmenting the *maximum* of its authority, as proposed, without adding one other amendment, of the mode in which the court is constituted or made up.*

* This is not a place for suggestions, merely; but every time and every place is competent to afford the pleasure of being serviceable. It is to the frequent *change* of commissioners we are willing to ascribe unsteadiness of decisions in Courts of Request, which would be amended by choosing one or two chairmen, with a salary, or annual *bonus*; and appointing every alternate court-day for hearing causes of the largest amounts only.

At this day there is none of the *dignity of decision*, in the court at Guildhall, for which the augmentation is sought, such as we witness at present in the court at Fulwoods' Rents. The court in Castle Street is the *second*, in that respect; and every one knows how much deference is raised in the vulgar uninstructed mind by *appearances* alone: with the more intelligent suitors the *reasons* for the decisions are *expected*; such as are compulsory upon the *higher courts* to give, for their decisions.

OF UNSUCCESSFUL TRADERS.

12. Hitherto we have considered the subject chiefly as regards the plaintiff, or more prosperous Tradesman. Change we now the picture, and view in the reverse, * that of an unfortunate man, struggling against unavoidable losses, and the accumulated expenses of law suits, or sinking under the mortal thrusts of onerous creditors. In this place we shall deviate a little from legal matters, strictly speaking, and return to them again with undivided attention, after a little while.

At the outset of every contention at law, † a very important point to be settled between the debtor and his creditor, is the question—"Whether he is an unfortunate Tradesman, who through unavoidable and unsought-for misfortunes, has been brought into his present dilemma, or is he a fraudulent and criminally careless one? Is he a premeditated defaulter, or has he been overtaken by, and overwhelmed in, the course and train of inevitable sinister events?" The true and fair adjustment of this previous inquiry, must regulate the steps to be pursued at what may be called the three resting-places of a suit at law, *viz.* 1. "Making the affidavit, or giving instruction to sue;" 2d. Before furnishing materials for the brief; and, *thirdly*, at going into court, when overtures may be made for compromising the dispute, without relinquishing the right to proceed to trial. But, into whichever shade of error he may have fallen, the

* Vide page 163.

† Another point for the consideration of the creditor was urged at page 159.

unsuccessful Tradesman will read these pages with interest, no doubt; let him do so with caution. If he be a rogue *ab initio*, our advice and our information would be thrown away *upon him*, were we inclined to hold communication with such. As it is, we have quite other characters in view; *his* object has been to get into debt and into jail, or into the columns of the London Gazette, and his creditors, at the final examination of his accounts, will be enabled to judge how deserving he has been of *getting into a halter*. Thitherward let us dispatch the delineation of him, before we speak more particularly of the characteristics of the *truly unfortunate Tradesman*.

INSOLVENCY, FRAUDS, DEVICES.

13. It may be taken as an unerring rule, that whatever debtor talks lightly of going to prison *to pay his debts*, is, in his degree, a dishonest man; more distinctly and determinately so, if he uses the unseemly phrase (or something like it) in a threatening kind of manner towards his creditor. Should he throw it out in the latitude of conversation, either flippantly or jokingly, no matter how inconsiderately such a sentiment may escape him, still it shows the *quo animo*, or principle, by which he is governed in his more sedate moments. Notwithstanding, we must allow on the other hand, it is but reasonable a poor but honest debtor, might innocently and justly remark to his creditor, that such or such a step—as an arrest, or entering up judgment, would have the inevitable effect of consigning him to a jail, where he would be driven to seek shelter under the provisions

of the Insolvent Debtor's Act. For the relief of such men, did the benevolent authors of that act frame its clauses ; and also for as many of the *other description* of debtors, as might reasonably be adjudged to have expiated their faults or their crimes by a prolonged incarceration. The fraudulent debtor avoids paraphrase in speaking of that act, and calls his imprisonment " going to take the benefit ;" which species of familiarity too assuredly shows, that the persons using it have contemplated at the outset the effects of obtaining credit : for it was truly said that " cramp words and half sentences are generally used to soften down crime." (Vide ante, page 94.) Such men can discern the ulterior effects of law proceedings more clearly, and calculate upon them with more certainty, than the honest debtor ; therefore, they speak most decidedly as to their liberty being absolutely involved in the event ; and their attention being thus constantly turned that way, their perception becomes keener and more accurate than other men's ; much upon the same principle as pigs are said to *see the wind*, because their shaggy coats being more inconvenienced by turning their heads towards it, than the contrary way, they are supposed to *look at the wind*.

Furthermore, the roguish or fraudulent debtor may be distinguished from the truly unfortunate, by the one being prompt in his measures, getting into debt and into jail systematically, as if by preconcerted arrangement. His career is short, but showy ; his first transactions have been of the ruffian kind, rather tending to bully persons out of their doubts respecting him, than to explain them away satisfactorily ;

and his mode (or rather immethodical manner) of doing business, has partaken largely of the glitter and frivolity of puppyism, as if to dazzle scrutiny. His final exit is complete, sweeping away all before it, with every well-known mark of premeditation: his imprisonment seems no punishment, it is one continued carousal; on the contrary, the honest but unfortunate man who gets into a prison, quits his last grasp of liberty with reluctance; one hears the sad catastrophe foretold by many an expiring agony: it is discoverable in the shifts and expedients he has had recourse to, and the many applications he has made, to postpone payments, to obtain farther time for parts and portions;—liquidating some debts with small sums, hardly scraped together, and showing by their very slenderness, the difficulties under which he labours.

At or near the close of his accounts, his creditors will find the *fraudulent* debtor has been unnecessarily contracting debts to a larger amount than his usual run of Trade would seem to justify, in its best days, and buying articles not wanted in his business or house. Trading in fictitious bills, * quaintly termed by him "*gilded moonshine*," and "*thick*," to distinguish them from the *thin* paper, and veritable representatives of property,—Bank-notes, is another

* Many forgeries have been committed by such fellows, sometimes on each other, at other times assuming these to be the drafts or acceptances of some very respectable house, but which, on near inspection, turn out to be very nearly (but *not quite*) the same. Thus, for "*Dios Santos and Co.*" was substituted in 1805, *Di Santos and Co.*; a fellow whose real name was Fletcher, asserting

feature of dishonesty, when they have been manufactured in abundance, and issued for any other purpose than to *meet the demands* of a previous creditor; add to all these, borrowing small sums at all hands, and meantime living at an expensive rate, not to say licentiously, are positive and incontestible indications of originally dishonest views.

14. In the investigation of the affairs of such an insolvent, he should be requested to show how, when, and in what way, he had had *value received* for the bills offered to be proved under the commission against his estate. What he has done with the goods might be a matter of after inquiry. Add to this, he might be asked for a *description* of their persons and their residence, unless they are the immediate holders of the bills, and then they expose themselves. Notwithstanding the bills so exhibited, may have been taken with such precautions, that the proofs cannot be resisted, yet the knavish arts and practices of the jobbers and *discounters for goods*, will stand exposed, and serve as landmarks for others to steer clear of thereafter, besides having the effect of throwing much additional light on the evil connections and disreputable propensities of the insolvent. At the meetings of creditors, the fraudulent debtor will be found petulant, bold, and garrulous, looking

that he represented one *Diego Santos* of Cadiz, and he was thereupon discharged from the Fleet Prison. Similar to this was the well-known recent misrepresentation, and dupery, of several swindlers, assuming to be the real firm of Francis and White, of Lambeth. See page 111, note; and page 192.

threats and rankling with vengeance; at his *last* examination he employs a *lawyer*, and in that company we leave him.

In making up bankrupts' accounts much petty fraud may be detected, when the commission has been preconcerted, although not fraudulently obtained. This discovers itself generally in the factitious *settlement*, or alteration in the accounts, of favoured debtors; or the more guilty creation of fictitious bills, or other debts, with persons friendly to the bankrupt's certificate,—so as to make sure of the statutable proportion of creditors in *number* and *value*, which are requisite to give that instrument validity. The colour of the *ink*, the absence of *dates*, the too much *care* bestowed upon recording the transaction; or, on the contrary, the absolute scrawl in which it appears on the book, besides interlineations, and other internal evidence of the falsification, offer the almost certain means of detection, morally, though we must allow they would weigh but lightly in case of prosecution, without the aid of oral testimony.

When a bankruptcy is foreseen (as some are from the very commencement of his difficulties), the fraudulent part of the community no longer hesitate about creating any quantity of bills whatever, which among the bill-jobbers and swindlers, bear a price, as we have described in section 23, agreeing somewhat with the former characters of the drawers and acceptors. Thus, immediately previous to the late stoppage of the three stationers of Fleet Street, in 1818, the very long standing and uprightness of the house, procured for the bills of the defaulter-partner,

goods, which the jobbers could dispose of again at less than thirty per cent. loss; but when he increased that paper, and disposed of it in mad profusion, it fell in estimation, and might be obtained for a trifle. There is good reason for believing, that many acceptances are created *after*, as well as before, the commission of bankruptcy, and issued for the same fraudulent purposes as above-said; and though upon proving either (as well as changing hands with real bills,) there must be palpable contravention of the oath, scarcely an earthly power is capable of always punishing such delinquencies. When the *purported* date of a bill is very remote, the mark on the stamp-die is one way of obtaining evidence of the falsification; for, at Somerset House, they know to a day when any stamp whatever was first issued by them for sale.* Although it does not necessarily follow, that a bill of exchange shall *bear date* the day it is *drawn*, yet that *purported* fact might be ascertained

* By this means, a great piece of knavery was brought to light about ten or twelve years since, on the trial of an issue out of one of our courts of law. A *deed of gift*, purporting to be made by one Taylor, deceased, and witnessed by five, six, or more persons, all of whom recollected some striking occurrence, or smart saying at the time, as well as the clothes worn by some persons present, and the victuals served up for dinner, the day of its being executed and signed,—was, after all these circumstantialities, found to have been drawn upon a stamp not engraven until after the decease of the said Taylor. The deed was made in favour of his bastard children, in order to bar the heir at law, who hereupon had a verdict. But it may be made an instructive lesson to over-cunning people, to inform them, that such a deed was *actually made*, that the witnesses were not forsworn (they were never prosecuted either),

from the parties implicated, upon the first view of the bill.

A most flagrant imposition of this nature came to be exposed, in March, 1819, upon the trial of William Firth, John Tate, Thomas, *alias* William Shaw, and nine other conspirators, who had procured a commission of bankruptcy against one Smith, a Yorkshire clothier, by means of fraudulent bills, *drawn over due*, and sworn to at Guildhall, when seven, being all that appeared, were convicted on clear evidence of fraud and perjury, and were found also to have remorselessly robbed their own bankrupt; whom the ravenous rogues ever consider the victim whose property is to be devastated among them, and between whom bickerings and disagreements are always to be discovered. Hence may be deduced the propriety of the inquiries we recommended should be made, respecting the drawers and holders of bills of exchange, which are offered to be proved under commissions of bankruptcy, at pages 186—9.

Other matters connected with this conspiracy, as more appropriate to the subject then in hand, may be found developed at page 111, *note*.

but that the *too keen lawyer* saw some wrong word in the original deed, which he thought might be altered for the better, and so drew a fresh one, upon a new stamp, many years after the first, with *fac simile* signatures, so as to deceive the subscribers themselves into a belief that the writing was really their own.

OF A DECLINING TRADE.

15. The commencement of a Tradesman's commercial troubles, may be dated from his first inability to pay his *bills*, or to meet such as having passed through his hands, may be dishonoured by others. The claims that may be made upon him for book-debts over due, are not of such vital importance; but the rumour of bills returned, soon puts a stop to the further extension of *time* upon book-debts, and both causes together produce embarrassment, and vain attempts at extrication, which, at their consummation, if not in their progress, too often assimilate the really unfortunate with the fraudulent and wilful defaulter. We endeavoured to point out the characteristic traits of these latter in the preceding pages; they oftentimes come in contact, and always endeavour to entangle and confound themselves and their transactions, with those others who excite our pity and receive our commiseration, though they are not entitled to our aid.

As soon as a man fails *to pay*, from whatever cause, the lawyer is immediately set to work by all those creditors who have not learned from experience, nor hearkened to our admonitions, of the loss and ruin that lurk beneath the venom of a *lawyer's letter*, technically called "application for payment," which always contains a *threat*, but which, if not carried into execution, renders the plaintiff ridiculous. But whether upon this or *any other occasion*, a Tradesman receives a threatening letter from a lawyer, in something like this strain,

“ If you do not call upon me before to-morrow 1 o’clock, and pay me £——, together with 5s. for this application,” &c. let him not obey the mandate, for if he does comply, he is undone, so far as the cause in hand is concerned. The lawyer requires the defendant’s attendance only that he may obtain, from his mouth, an admission of the demand being correct, or some other acknowledgment of liability to pay, upon which subsequently to ground his action at law :* at other times he wishes to get a sight of defendant, that his clerks may recognize him and serve him with the copy of a writ, or describe him to the sheriff’s officer in order to facilitate *the caption*. It has happened that the lawyer has called upon his intended victim for one or other of the same purposes. But whichever course he takes, our advice to the *threatened man* is, never remain one moment alone with an adverse lawyer, or his clerk ; neither can possibly do such a man any good, therefore no good can come of being alone, in company of either the one or the other : let him adopt the old and safe maxim—“ Out of nothing, nothing can come.” Even though his cause may be ever so clearly in a man’s favour, he would, by thus exhibiting his weakness, rather invite the lawyer to *try on* a writ, with the chance of producing some offer, or possibly with the miscreant intention of merely giving him uneasiness, and making a bill for his client.

16. In whatever manner a Tradesman feels him-

* See the obverse of the same argument, p. 157.

self pinched in his pecuniary concerns, he endeavours to push further his former resources, looks about him for the ordinary means of recruiting his finances, and adopts them in succession as follows. The *first* thing that presents itself to his ardent notice, if indeed his attention were ever called off from them, are his book-debts over due; for the recovery whereof we have already ventured to throw out some salutary hints, on the creditors' side,* to which we shall shortly add more *experiences per contra*: along with the prosecution of this measure, he expects some aid from the mortgage or sale of his lease, and other external property.

2. A *forced sale* of the goods in his shop or warehouse (for payment whereof he is now closely pressed, and which, therefore, become an eye-sore to him), next present themselves as the proper sacrifice to his necessities. As to this particular mode we have already made some animadversions in Chapter I. particularly Section 31, also at page 48; to which we shall add, what more appears to us *ordinarily useful* or *desirably practicable*, at Section 26, *infra*.

3. Long-winded acceptances, securities deposited in his hands, book-debts *not yet due*, and finally his wife's jointure, may, by negotiations and sacrifices, and the aid of friends, be turned to account; we shall shortly see how, Section 26.

4. We presuppose he has already borrowed *large* sums at every practicable point; but now he is driven to borrow small sums at all hands, to pawn his valuables, sell surplus furniture, and to employ

* Sections 8—11.

the other lesser means of "raising the wind" to meet the exigencies of his trade; all these are but matters of minor consideration. Accommodation bills, and factitious paper fluctuating to every degree of commercial honour and social honesty, accompany every stage of his declension; as do the law and the lawyers, every step he takes to extricate himself or his property from the peril of *immediate annihilation*.

Such are the last sad shifts to which high-crested men, too often are driven, who having lived in comfort, if not in affluence, still hold fast to the sod on which they have seen better days, in the vain hope (too securely cherished) that a miracle may be wrought in their favour. But, alas! the seeds of dissolution are frequently sown in the first efforts to get out of his troubles, by getting into the trammels of the lawyers, to which too many modern Tradesmen are so much prone. Of these trammels and these practitioners we will next speak, after admonishing each tottering Tradesman, of whatever degree, steadily to look his misfortunes in the face, as cheerfully as the occasion will allow, and resolutely resolve to apply the remedy to every minute particular. Despondency and chagrin only produce an accession of disorders, whilst, without them, retrenchment becomes the panacea for those which already exist. Let him discharge useless servants, for any pretended cause but the right one, and reduce his rate of living in every superfluous particular: horses, wines, country-house, dress, amusements, childrens' education, must all feel the effects of his new economy. Even although his fears, outstripping the

reality, (as is generally the case in all failures) tells him he shall stop payment within a month, or a week afterwards, he will have achieved a great piece of service towards re-establishing his future credit. For, though a Tradesman be reduced ever so low in the world, he should look forward with a steady eye to the resuscitation of his credit and good name, each of which suffers in the public estimation when the other is affected. Should, however, every contrivance to parry the adversary be found unavailing, and all his efforts be insufficient to avert the impending blow that threatens his commercial dissolution, let him prepare to meet the whole body of his creditors, face to face, like a man, with the general precautions we shall set down in the sequel.

COMMERCIAL CATASTROPHE: LAW QUIBBLES.

17. Among the ways and means of supporting a tottering Tradesman's credit, that of employing a lawyer in the recovery of his outstanding debts, is generally one of the very first, but certainly the most pernicious measure he can adopt; because this one too assuredly looks upon the Tradesman as his fixed customer, or *client*, (see pages 164-6); and if they are successful in a cause, or two, *the client* proceeds with more actions, if unsuccessful, *he must do so*, to keep the lawyer quiet. The *harpy* goes to work virulently, he writhes and flounders about among the customers and former friends of his client, threatening and laying about him with writs and *capias*' and many a *clausum fregit*, in abundance. Our distressed Tradesman

hears, with chagrin, of the pain he is the *cause* of inflicting, unintentionally, on persons as innocent and as undeserving of it, let us suppose, as himself. Some of them go to prison instantly, a few keep up a running fight, ere they *surrender*; and if out of the *debts* of those who do pay, are deducted the *costs* of such as do not pay, we should be surprised, indeed, if much balance remained to be paid over into the plaintiff's hands; but, instead thereof, we are more certain he will receive the curses and execrations of the starving families he has reduced to beggary, by his ill-placed confidence in the lawyer. He alone looks gay over this scene of desolation and dismay.

Under this same head, of his ways and means of extrication, we have placed the sale or mortgage of his leasehold or landed estates. For this purpose he usually employs a lawyer; who begins by making "an abstract of title;" that is to say, a long rigmarole recapitulation of the contents of the deeds or parchments, at a vast expence; if the estates are sold in consequence, this charge forms an *item* for subtraction from the sum received; if not sold [and since there has been so *few buyers* for many years, the presumption turns that way], this but adds to the Tradesman's difficulties, and the parchments are detained as security for the payment of this new demand. Let us presume the embarrassed Tradesman has taken the precaution to ask for a *receipt* for his deeds, containing a promise to return them *upon demand*: we will next presume to suppose he asks his former dear friend and adviser, the lawyer, to send back the *parchments*. Will he comply? No: but instead thereof,

he sends back word, that he has a "*lay on*" upon them; which word, in the *verbal message*, if our Tradesman mistakes for the animal *lion*,* let him go and look at his lawyer-friend's former amiable, time-serving, insinuating countenance, now changed to the averted tiger's grin, and thus acquire a more intimate acquaintance with natural history.† At this place we have run the pen through several instances,

* *Lien*, vulgarly pronounced *lay on*, or something more resembling the other word in the text, is a French word in our ancient pleadings for the *claim*, or demand, which one has upon the goods of another.

† Another method of making a bill for "abstract of title deeds," is for the lawyer to pretend he has got a *purchaser*, who is giving unusually high prices for land, or *houses*, particularising such property as he knows his client may have; asserts that the present is a fine opportunity to sell; and makes the true, but insidious, remark, how much better money used in trade pays, compared to that which is laid out in land, &c. &c. Our Tradesman hearkens to his *adviser*, nibbles the bait, deposits the deeds, and takes a receipt; by-and-by, the lawyer charges for *work and labour done*, although the estate never stood a chance of being sold, and the expenses incurred were a complete swindling transaction from the very beginning.

This was the precise way in which Lawyer *Sathell* served his client, Mr. Badcock, in 1804; with this only difference, that this lawyer pretended *he, himself*, would purchase the latter's patrimonial estate, because it was contiguous to his own *native cottage*; and after a dalliance of some months, returned for answer—"it would not do," with some allusion to the altered state of the funds. Tradesmen, and others, purchasers of premises, &c. by public auction, are subject to a similar kind of robbery, which is carried on by the Auctioneer and Attorney in conjunction, and the germ of it is set in the usual printed "conditions of sale," wherein it is set forth, that the lease or transfer is to be made at the expense of the lessee. Good; but,

As soon as the hammer is down, which, talisman-like, changes an

or proofs, of the truth of our proposition, which we had selected out of scores of well-authenticated accounts; since the multiplied repetition of mere matter of fact, does not entitle the doctrine it is meant to inculcate to one additional particle of belief. His affairs begin to shiver in the hands of the lawyer, and one or the other method of bringing about his

estate from one hand to another, the deposit is to be paid, and a provisory agreement is to be signed, by which the seller engages, of course, to make a *good title*, and adds that his own attorney "shall have the making of the leases at the expense of the lessee." There would be nothing improper in this neither, if any standard existed as to the charges of *conveyancing*; but since this depends wholly upon the *honour* of the attorney (which is a solecism) there is no estimating to what they may not be extended. Six or seven pounds would suffice, in ordinary cases, and is reckoned a very fair bargain; but double, treble, or four times that sum is no unusual extortion; and a law-suit, which renders the complaint worse, most assuredly follows the least demur to the lawyer's demand. He does not even deign to make out a bill.

Lately, a by-stander threw a very happy obstacle in the way of this species of imposition, by making the Auctioneer agree publicly, before the sale proceeded, that the leases should cost no more than a certain sum, £10, or guineas. Any or every one, may do this piece of service for the buyers.

Very few Tradesmen make more than one such purchase in their lives; but it behoves every one present at such auctions, whether purchaser or not, to put questions on this point to the Auctioneer, which he is bound to answer satisfactorily. In like manner does it become the duty of every man to expose all similar impositions upon trade: and we observe with much satisfaction, the means of doing this is held out in the columns of the *Monthly Magazine*, in which we notice, this first of July, is a proper exposition of the impolicy of submitting trade-disputes to the arbitration of briefless bartisters, on whom some animadversions of the same author appeared previously thereto, in our page 165, *note*.

Commercial Catastrophe, may now be discerned without the help of second-sight.

18. What changes are about this period effected in the relative situations of the various species of defaulters! The Tradesman who hitherto has been deemed *good* for any thing, and, therefore, courted for orders, is now shunned as a pestilence, and if he leaves an order, it is not executed, or but barely so; while, on the other hand, he who has been nowise chary of actions at law, nor of taking advantage of others, becomes unfortunate in his turn—as generally happens to such people, as had been predicted by us long before,—and he gets arrested. Hereupon he asks his former friend the lawyer to give his *undertaking* for putting in *bail to the sheriff*. This small request the latter positively refuses to comply with, not condescending perhaps to have recourse to the usual excuse (lie,) that he “durst not give an undertaking, consistently with ‘the rule of court.’” Whereas neither of the courts ever made a rule on such a subject, nor does it come within their jurisdiction to make a rule of that kind. But if he cannot comply with this request, yet he will do *something* when called upon (like a *quack* :) he takes a “short copy” of the *warrant*, not for any service it can possibly be to his client, but merely to add one more item of charge to his bill of *costs*.

Now about, the sad catastrophe becomes visible, through the thin film that occupies the space between term and term: our unfortunate man learns that the Sheriff's Officer, for a fee, will shew him that forbearance which his own attorney refuses to

intercede for, and which his long standing character entitles him to. In *the city* of London proper, somewhat within two per cent is reckoned a fair gratuity to an officer for this kind of civility, from a respectable housekeeper, and less upon large sums ; although much more is expected by the Middlesex Officers ; whilst the attendant, or follower, of either, looks for about one eighth as much as his principal, which must be added to the former and paid instantly.

By these means the embarrassed man is enabled to gain *time*, if that be desirable for a proper investigation of his debts and credits. But, in plain troth, as no man of honest principles *seeks* a prison, he anxiously endeavours to *make up his affairs* as near as possible to the satisfaction of his creditors, *generally*; steering clear of any known preference in the adjustment, and keeping especially in mind, not to favour that man who has arrested him, since that would be nothing more than a direct invitation to others to pursue the like hasty course. This is the usual train of events ; they are self-preservative, and mere defensible measures, and therefore to be tolerated if not countenanced. With one hand offering a compromise, and with the other holding out a conditional surrender of all his property (and more cannot be asked for, though expected) a meeting of his creditors is convened for the purpose of taking his proposals into their consideration, and at which endeavours are used on the part of the insolvent man, to compound with the body of creditors, at as much in the pound nearly as may appear to be fully in his power to pay.

COMMERCIAL CATASTROPHE: SECURITY.

19. Such is the usual course adopted ; and with men who thus come forward with their all, it is likewise usual to meet that fairness, and candour, which has brought the unfortunate man's affairs to the present exposure, by taking rather less in the pound than what appears to be the exact sum, and to restore to him his household goods and furniture. These grateful concessions are generally obtained by the favourable interposition of some *friendly* creditor, upon whose good word, will mainly depend the poor man's going on again in the world : if this benevolent creditor be a generous man, and warm friend (and some persons are *proud* of generous actions, with their concomitant sympathies,) he will do much more. He will perhaps offer himself as security for payment of the instalments, taking care to provide for longer time, or a smaller composition, in lieu of the additional security thus afforded to the body of creditors at large.

By means like these an upright man, who may have experienced the vicissitudes attendant upon Trade, is enabled to resume his former consequence in society ; with the majority, his defalcation and compromise is not known, or disregarded, or possibly establishes more firmly the general opinion of his *goodness* and stability. The lapse of years, and absence of reproach, work out this redemption.

A creditor will sometimes offer to perform a similar service, and with the same ostensible intentions, as that just described, but with a *private* understand-

ing of latent disadvantage to the already distressed man ; as, 1st promises or engagements to pay him in full exclusively, *hereafter* ; 2d, a *per centage* upon the sum secured ; 3d, a preference in his future dealings ; 4th, the lodging in his hands part of the property ; 5th, a warrant of attorney to confess judgment, in case of default. Although neither of those conditions is intolerable in itself, yet should any written stipulation whatever on the part of the insolvent be avoided, if possible. There is certainly no disinterestedness in the help so afforded ; on the contrary, we perceive he is sordidly interested who endeavours to exact *either two* of those conditions. But lately we had to disclose a transaction, in which four out of the five conditions were agreed upon, and actually were in train of performance ; but the bounden person felt himself so ground and squeezed by the hardness of his bargain, that he had availed himself of the means afforded by a law quibble, of circumventing the whole by countervailing contrivance, when the matter was brought under our notice. We may lament that such facilities exist of retorting upon the oppressor, under the semblance of *law*, but shall not say here that it is always wrong to have recourse to them ; in the particular case alluded to, we did not chide, though we inwardly blamed, both parties for the part they acted.

A much deeper scheme, and mainly to be guarded against, is the offering for security a person who, being himself *upon the go*, (i. e. tottering) is no security at all ; but he is one, probably, who looks forward for, and ultimately may receive, the same kind

of favour a short time hence, at the hands of this very insolvent man he is now about serving: possibly, this may even turn out to be that very *return in kind* for such previous favour. This kind of double game, creditors may prevent by enquiring who and what are the connections of the proposed security, and who are his creditors? From these may be learnt the important fact, probably, that he is himself at that very moment a defaulter, paying by procrastinated instalments, debts of very long standing, upon the security of this very applicant for time and a commutation.

20. Whatever course is adopted, we have to observe that we never yet attended, or were interested in, a meeting of creditors, at which the terms first proposed were not always the best that could be afterwards by any means obtained, either by postponement, by rigorous measures, or by onerous demands, with which it was impossible for the unfortunate man to comply. On inquiry, we find this is invariably the case, where the embarrassed persons hope to go on again in business. But the overbearing disposition of some creditors, who cannot bear controul, the too great impatience of others under their losses, and the desire to shine in argumentation in a third set, generally produce discordant views of the applicant's intentions; and, unless he has previously interested a friend among them, possessing much energy, and of a strong compressive character, to advocate his cause, the meeting usually terminates without coming to a single resolution for his good, or signing the indispensable "Memorandum of an Agree-

ment," to take and share as much as shall appear to remain, and to *suspend* all *proceedings* in law, or in equity.

Some of those creditors, at the instigation of their lawyers, who sometimes attend "the meeting,"* ask for terms of settlement, and modes of arrangement, which they know before-hand cannot be obtained, in order to embarrass the deliberations, and render a commission of bankruptcy inevitable. Indeed, one apology is found for some men of the very best dispositions, who are induced to prefer a commission of bankruptcy as the cheapest way of getting rid of the numerous suits and accumulated law expenses which attend every embarrassed Tradesman; nor is there any mode of avoiding that last measure, when the more litigious part of those creditors insist upon adding their attornies' "costs of suits" to the original debt, and of taking a dividend upon the already law-dilapidated effects of the unfortunate man. Upon one occasion an unconscionable, fellow of Doctors' Commons insisted upon having his lawyer's bill, paid 20s. in the pound, before he would sign the provisory "memorandum of agreement!"

"Gentlemen," said the unfortunate man, as the big tear stood in his eye, and he gave a glance, before

* But ought in decency to withdraw, without uproar, or calling their clients away, as soon as the wishes of the meeting have been expressed by a show of hands. If an accountant happens to be present, the attorney is with difficulty convinced that he himself is an intruder; but the waiter, who is an apt scholar, may be instructed quickly to tell him better.

he repeated the word, to his son, "Gentlemen! I perceive I must become bankrupt, which I hoped to avert. Those law expenses must not be paid. That action has already cost seventy pounds of your money, which is gone in Exchequer pleas; whilst the goods, upon the acceptance for which it was brought, are now still unused by me, not being agreeable to sample, or fit for use."

In effect, he never did look up again. With feelings like that person, many falling men, when they find they must *go to wreck*, contrive (such is their irritation) to goad on, or to superinduce, litigiously disposed creditors to push their suits at law to extremities, with the expenses whereof these of course are saddled, in all cases of bankruptcy, as we predicted at the head of this chapter.

21. Should the unfortunate man stand in fear of an arrest, while these things are going forward, he must send to the meeting *a friend*, demanding safe conduct to and from the place. He must, when there, point out, in lively colours, the positive inutility, and absolutely ruinous tendency, of further law proceedings; and throw himself upon the *general* mercy against *particular* persecutions.

"This is the usual train of events upon such melancholy occasions," adds a by-stander; "but there is a mighty difference in whom you employ as agent in this affair. If it be an old friend, who has known you and your affairs for a number of years, he will bring his feelings in aid of his statement of facts, and he will plead your cause with pathos. But if you employ a lawyer, there is great odds that you do

not arrive at the desired end; for if the creditors should agree upon the terms, if even the usual *memorandum* to that effect be drawn and signed,—nay, the deed of assignment itself engrossed, there is no certainty that your own *man of business* may not insiduously whisper, that a commission of bankruptcy would be more beneficial to the creditors. In proof hereof, adducing (the double villain !) his possession of those very leases or other securities, as one reason for his having the job to work the commission *against* you. Those very parchments, probably, which he before detained to satisfy his own useless and delusory labours, under pretence of procuring a purchaser.” (See page 198.)

But we might exhaust our pages, and tire all patience, in pursuing to the end every chicanery of lawyers to bring about commissions of bankruptcy. A compromise, without noise and without exposure, and safely settled for both parties to the deed, which should compulsorily annihilate all *expenses* incurred by *law proceedings*, and put a stop to them, is ever the most beneficial mode of settling an insolvent concern that can be effected, as regards the amount of dividend, or the recommencement of the insolvent in Trade again. Could the legislature be prevailed upon to *compel* the minor number of creditors to come into the dividend agreed upon by the majority, a vast service would thus be performed for oppressed commerce; further ramifications of the subject press themselves upon our notice, but we forbear to theorize while so much matter of fact is still found springing up as our task proceeds. Some further observations on the advantage of composition over

bankruptcy, we reserve until we come to speak “of the Docquet.” (See Section 31, and then read Section 27.)

Great care should be taken by the unfortunate Tradesman, who is thus reduced to the necessity of entering into a composition, or of giving up his all, that *every creditor*, without exception, should sign his name before possession is delivered up. Otherwise the poor man, after having resigned his property, may be sent to prison, there to expiate the crime of inadvertency, or a too credulous reliance on the word of honour of a double-faced fellow, who chooses to become a villain in his turn. The conduct of Old H—d, whom we elsewhere noticed (See page 217,) was genuine and open, compared to some whom we have met on such melancholy occasions. “I’ll be d——d if ever I sign a composition; that is my *invariable rule*,” he would say; adding in the course of the negotiation—“Show me the way in which I shall receive twenty shillings in the pound, and I *may* then probably sign it; give me another good acceptance for the difference, and you may command my pen.” That fellow is supposed to have occasioned more commercial ruin, in a career of twenty-four years which preceded his own downfall, than any Tradesman of the same standing in the metropolis. And yet, his hard-hearted conduct was preferable, we should think, to the cold calculating villainy of a *quondam* paper-stainer, who being the holder of a bill of exchange upon an insolvent person in the act of compounding with his creditors, attended *the meeting*, and signed the rough memorandum of agreement, but next day ruled the sheriff

to bring in the body of the defaulter, and he was accordingly made a bankrupt. He had to plead in excuse, that he was about to leave the paper Trade, having built a dissenting chapel beyond St. George's Fields.

Whenever a composition is offered, and whilst the negotiations are pending, it is the practice of law-seeking persons, either to pounce upon the struggling man, (as described at pages 91, 168, 170,) or to endeavour at extorting better conditions from him than the bulk of creditors have obtained, by means of threatenings, whinings, and what not, (See pages 89—92.) These attempts we consider dishonest, have already called them so, and shall treat them accordingly. The unfortunate man must resolve rather to encounter a *commission*, than submit to *one* of these unfair demands; inasmuch as the transaction would go to liberate from their engagements all the subscribers to the *deed*, if the lawyer puts the proper defeazance into that instrument, which is to exonerate him from all demands of the persons whose signatures appear to it. Hereupon he would be justified in thwarting the design, by proceeding certain lengths with the separate negotiation, so that the creditor may commit himself, either by writing, or in presence of a third competent person; and then to let out the whole secret to the next *meeting of creditors*, by means of that written document, or through the inadvertency preconcerted, of the witness, who may be, perhaps, the wife, son, or servant; upon whom the indiscretion of publishing the secret may safely be laid. Hereby deceit is met by deception; and an offensive piece of knavery, is circumvented by an allowable defensive counteraction.

22. Returning a little farther back in the history of a Tradesman's misfortunes, we forbear to obtrude further advice, but adduce examples merely, and plain statements of what has passed on various occasions, and various stages thereof, as matter of avoidance for the just man.

When the unfortunate person sees himself so surrounded with troubles, that he knows no means of getting away from them, he becomes alarmed at his perilous situation, and feverishly consults some one, two, or more friends on the best means of extrication. They too often are half-witted persons, who add to his disorder by pronouncing it incurable; or else they are roguish folks, and seek to profit by the final undoing of the now miserable man: the first kind consult that bane of all commercial amity, the lawyer; and he advises a docquet as the only means that appears to his *wisdom* of getting their friend out of his troubles; a piece of advice by the way, that invalidates the commission, as appears in *re Minchin and others*, Chancery Sittings after Trinity Term, 1819. If the distressed man consults one of those cunning, roguish knaves, who have themselves passed through many gradations of a criminal career, he plans with his fellows a series of frauds, or adds to the poor man's embarrassments in one or other manner to which we have adverted elsewhere (See pages 190-2.) Seven persons for contriving a fraudulent bankruptcy were punished in March 1819. See page 111., and Chap. IV. Sect. 3.

Hereupon we daily witness every thing goes to wreck, carrying away also certain *scintilla* of his character, as he shall be found busily employed in

previous arrangements to meet the event, or stand accused of over management; even his boasted *principle*, which he heretofore prized like gold, becomes now the basest alloy in the admixture of his Trading transactions: the transmutation takes place instantly upon striking the docquet. He plunges headlong into further troubles and deeper debt, he creates bills of exchange without remorse, and without the purported *value received*—whereby his real creditors are defrauded for the advantage of those fictitious ones.

A fraudulent practice which has grown up very much with the distresses of the times, ought to be more generally known; and we shall, after a short preface, proceed to develope its leading features in the next section.

23. The Tradesman who is in immediate want of money without assets in hand, will usually procure “accommodation paper,” as it is called, or the acceptances of others, which he himself undertakes to provide for; and when such paper becomes due, it must be paid by the drawer or acceptor in preference to bills for *boná fide* “value received.” Accommodation of this sort, becomes the very best or the very worst kind of assistance that can be obtained, according as it may be used. When it comes to pass, that neither party is ready to pay, arrests take place, let us suppose; and the sooner, because in his necessities the drawer having either paid such away to an *onerous creditor*, or discounted with an *usurer*; and the *acceptor*, in his chagrin, having incautiously avowed the fact, that the acceptance was given

merely for accommodation of the drawer, the necessitous state of the parties is thus laid bare. As the holder pushes hard for payment, the sheriffs' officer in this way becomes acquainted with the affairs of both, by inveighing against each alternately to the other ; perhaps by making an offer of further assisting him with money at usury, or more *accommodation paper*, to relieve the present embarrassment : for this kind of gentry are pretty much connected with sharpening Tradesmen, some half a dozen of whom are security to the sheriff, for each officer, and have therefore a claim on his civility. These again, if they do not deal usuriously themselves, are intimate with that modern pest of the trading world, bill-jobbers, and discounters for goods, who are constantly ringing in the ears of the needy, peals of self-complacency on the easy terms at which they can, as we said before, procure goods, or money and goods, " for *decent-looking paper*."

With what facility his tottering situation becomes known to the money-lenders, or rather, money-providers, is almost incredible to people who have not sifted to the dregs the nefarious practices of those vermin, as we have done. Suffice it to say, the tribe of blood-suckers obtain his acceptances, and if he receive *any thing* in return, it is generally in goods, *not a farthing of money*, probably, but trumpery articles at immensely high charges, for which he cannot find a sale.

Woollen cloths, muslins, cotton stockings, linen of the most disgusting coarseness, are proffered for his choice. Nor is the case bettered, although more

seemingly valuable articles, as watches, trinkets, &c. are given for bills.*

But the jobber usually undertakes to *sell the goods for money*, and as he also receives a commission upon this part of the transaction, as well as on *passing* the bill,

* For example, "How much have you got from Philips, Falenza, and Co. for the bill?" asked a distressed Tradesman, on the brink of that Tarpeian rock which so many have lately leapt: and who had sent his wife to that usurer, with the last remnant of his shattered fortune to raise a little money, whereon to subsist in prison, to which he was about to surrender:—"What has he given you there?" he demanded, with force; whereupon his wife produced a bit of paper with the following *account*.

	£.	s.	d.
A silver watch, cp'd and jl'd.....	12	12	0
12 Tea spoons.....	4	14	0
4 Table ditto.....	6	6	0
A gold brooch.....	1	16	0
	25	8	0
To draft on Arden for balance of bill on } Paywells and Co. }	10	12	0
Total	36	0	0

Now, reader, mark the fate of these articles! The watch was knocked down at the Mart, outside Temple Bar, next day for £2. 18s., the spoons were sold by private contract for £2. 2s. and £3. 12s. respectively; but the brooch was never sold either by public or private sale, because it was made of brass, gilt; and the purchaser of the watch summoned the Mart Auctioneer to Bow-Street Office, inasmuch as *lead* had been cast into the silver case, in order to give it a false appearance of thickness, or else to fit it for receiving *works* that did not originally belong there;—having undergone this *transmutation*, on account of suspicions that a late possessor had stolen them. (See London Guide, page 225.)

he of course feels an interest in preferring to take goods. No heart can conceive the little knaveries that are practised in this stage of the business : sometimes the goods are detained by *a person*, who *pretends* he has some claim on them ; at other times, another bill is brought for a part or parcel, which at a single glance can be distinguished from a good one. We never yet heard of more than sixty *per cent.* (see page 190,) coming to hand, under the most favourable circumstances, generally about half as much as that comes to, in many cases not a farthing ! And in all of them the deluded man is left to provide for his bills, or stand passively by, and see the knaves pocket the proceeds, and find himself constrained to undergo fresh depredations. (See *Goodman*, at page 111.)

Ultimately, when by these and other such means, his credit lies at their mercy, he is bullied and cajoled into fresh and extensive acceptances, which the jobbers sell by commission at 10, 15, or 20 per cent, upon the value, according to circumstances. These are the last throes of an expiring good character, which consigns the unfortunate chief actor in them to a jail, in addition to all his other misfortunes ; and, what is worse, to the ill-merited denomination of “ a rogue and swindler,” from the ever-open mouths of the indiscriminating calumniators, who abound in every class and condition of life. But the unfortunate man is not yet descended so low in morals, as to be an active swindler, although he is in a fair way for it ; having performed a distinguished part as a passive one, or the tool of others. At this part of his eventful history, it is, that the unfortunate man’s actions assimilate his character nearest to that,

of an arrant cheat or swindler: when goods or monies upon sham bills are taken up with the previous intention of *not paying*, the actors herein are swindlers, but not otherwise. See Sections 33-6, and the pages of our work therein referred to.*

* Here it is worthy of remark, that the more *lucky fraudulent debtors*, such as having compounded and turned and twisted through the various mazes of commercial delinquency, and therefore imagine themselves the objects of suspicion, are the first and most virulent accusers of the *truly unfortunate*, as they necessarily are, but in *milder terms*, of rogues like themselves, with the same view that thieves are the first to cry out "stop thief." Probably, they imagine this course the best adapted, of any that occurs to their jaundiced understandings, to obtund inquiry respecting their own base conduct; or hope, if the minds of their hearers cannot be closed concerning those former misdoings, their present garrulity (in which such persons ever excel) may convey an opinion of their own return to better habits, if not to better *principles*: in this latter case, they assume a good portion of religious fervour, pretendingly. *They generally succeed in obtaining a good portion of belief*; but if we would discover them, we have but to ask—"Who speaks?" and the film which covers their pretensions is withdrawn: swindlers invariably inveigh against each other, unless it be those of their own connection, or in their own particular line of *cheating*.

The same description of men become arrogant in the extreme, whenever they regain the power; and they are of the same kind—sometimes the identical persons—as those who were originally severe to their debtors, under semblance of *law*: 1st, It will scarcely be believed at a distance, that any man could be found so *flinty hearted*, as to repair constantly to Guildhall, for no other purpose than to revile the really unfortunate persons who must necessarily attend there. And yet, such was several years the conduct of our neighbour Hardstone; he, himself, existing at the same moment an insolvent, and ultimately a defaulter in the same list of unfortunates.

2d. One instance of a sort, by way of example, is enough, generally speaking, for instruction or illustration; but that one does not always satisfy justice,—at least our opinion of what is just. Many

LEGAL PRECAUTIONS.

24. In the event of an arrest for a just debt,—against the ultimate payment whereof no objection is intended to be raised, except the present inability to pay ;—or, upon occasions, when such an arrestation is reduced to a certainty, further expenses may be saved, and the *caption* itself be avoided (including fees, bail bonds, &c.) by the honest but incapable debtor settling the same by a warrant of attorney. This we aver, wittingly, notwithstanding what we formerly said of this instrument at page 59.

As it will be there seen we spoke of “ *confessing judgment* for due performance of covenants ;” so we now keep in view *actions for debts*, payment whereof cannot longer be postponed amicably : as the fore-named is a step full of danger, degrading in itself, and an instrument, the signature to which it requires a face of brass to demand ; so, under the contrary circumstances now contemplated, is it the only just and proper means of obtaining the desired postponement, with which a fair and honest man can ask that favour of his creditor. We take for granted the

of us remember the large silk house of *Habbonne*, which was remarkable for never shewing mercy to their debtors, and was scarcely content with twenty shillings in the pound : how few lamented its fall ! Rather, who did not consider it a mark of retribution for the great number of legal villainies it had enforced ?

3d. Mr. Vaun is a constant railer at the truly unfortunate debtor ; the copious reasons for which will be found at a subsequent page : *Vide infra*, Section 31 ; and the words of old *Habbonne* may be found at page 209.

debt is meant to be paid, as soon as convenient, and with as little expense as possible ; and then we say, the only way to render payment more certain, is to take as long time to perform that engagement in as the law allows, and as much more as can be obtained by management ; the real debtor always taking the precaution, not to inveigle any other person into signing the same instrument jointly with himself. Little as we love *law*, we distinctly recommend defendants rather to continue their opposition, to sustain defeat, and ultimately go to prison, than to comply with such a request as that is, or even to hearken to an intimation of such a nature as no man of any other Trade, profession, or calling, than an attorney, would have the effrontery to ask for.

Furthermore, we stoutly maintain, that whatever debtor suffers himself to be served with “ notice of declaration,” upon an action that admits of no defence, is lost as a Tradesman ; and his credit is gone, until it has passed through the alembic of the London Gazette ; but, if he merely wants time, and can *rely upon his resources*, he may obtain a good extension of it, of any christian-like creditor, or unblack attorney, by means of a *cognovit*, or warrant of attorney. The instruments are one and the same, in effect,* and the adverse lawyer is compelled to in-

* *Cognovit*, is the *Latin* term for the instrument we are speaking of, being that word with which it was formally headed : in English—“ Know all men, &c.” and this is the word which is made use of by the lawyer, when he takes occasion to mention it for the first time to the defendant, by the way of throwing dust into the eyeletts of his understanding. *Cognovit*, is also used to distinguish those warrants of attorney which are for twenty pounds or less, and require no stamp, as do those above that sum.

form the person executing it, *what that effect is*, and to tell distinctly to what it extends,—or the instrument is liable to be set aside, even after the judgment may have been “entered up.”*

A cognovit, or warrant of attorney, is an acknowledgment on the part of the defendant, not only that the debt therein mentioned is a good one, but that the parties have been into court (by a fiction of law,) and that judgment had there gone against him, to which fact the two attornies therein named are called upon to bear witness. Therein also a day is fixed when this judgment, so supposed to have been obtained, shall be acted upon; and in this fixing the day properly consists the jet of the affair. Mr. *Blank*, the plaintiff's attorney, invariably asks for an early day, earlier than he is entitled to, with the hope that it may prove too early for the defendant's convenience, or that it may be wholly out of his power,—else, why should he ask it? We assume, that this is done by him for the purpose of creating another job or jobs of attendances, with their gratuities for postponements; or, that he may have the agreeable task to “enter up judgment,” and *levy and sell* under the authority of the sheriffs. But, before we comply with the wishes of the reader, and tell him how the lawyers' views are to be abated, we will premise that at *the signing* of this instrument, as well as on every other occasion where a lawyer is employed, a

* *Two* attornies are supposed to be assenting to this instrument; but only one (and that an *adverse* one) is present at the signing; this is another of those fictions of the law, to which we alluded at page 174.

second person, proper for a witness, should be present; that is to say of *proper* age, or above fifteen, not of one's own family—if others are at hand, and the more observant and clear headed the better. Next, let us see, at what hour precisely, throughout the year, the attorney can obtain *by force of law*, what is now offered to him gratuitously and of free choice, viz. The entering up of that judgment, which in default of payment is to consign to a prison his body, after having committed to the sheriffs' broker the care of his goods and chattels. This we take to be a momentous consideration for an honest man, who still strives to stand his ground, and who with that tenacity which is observable in parting with the last spark of vitality, prolongs to the utmost, the inevitable moment of commercial dissolution. How unlike the roguish defaulter, whom we saw a few pages higher up, starting into prison with full and robust credit, like the suicide who dies in full health and vigour of body.

25. Two of the law terms are fixed on certain days in the year; the other two depend on the falling of Easter day, and are directed to take place higher up in the year or lower down, as that feast may happen. Upon referring to the almanacks, our reader will see the two fixed terms are Michaelmas and Hilary, and fall on November 6th, and January 23d, every year; these, as well as the two moveable feast terms, have several return days, the *fourth* day before every term being the first return day of the term. On that day *returns* (*retorna brevium*) are made into the courts, of all businesses which have been directed to be per-

formed by it since the last return day ; and it follows that the verdicts obtained in the intervals of the terms, or vacations, when only *sittings* for trial at *Nisi Prius* are held, are then recorded before the proper officers of the court. On the first day of term, it is competent to the defendant to move for a new trial ; and this right lasts until the fourth day, upon notice, but if no notice has been given, the costs must be *taxed* ; and then if defendant's attorney delivers *the papers* not until the evening, it will be the sixth day of each term before judgment can be signed against him. In the year 1819, these days happened on the 29th January, the 4th May, the 17th of June, and the 12th day of November, respectively ; the first and the last being those of the fixed terms. Now, no action is ever tried *in term time* of that term in which the *writ*, or commencement of the action, was made returnable, but in the sittings after such term. Sometimes, when a great many causes are set down, the hearing does not take place until the sittings *after the next following* term : these, however, are few in number ; except as to Easter and Trinity, which being very close together (or six weeks apart only,) more causes *remain* unheard of the former, to come on after Trinity, than is commonly the case with the other intervals or vacations. Such causes are then called *remanet* of the preceeding term. It may then follow, that a process issuing in the last three days of Hilary term, which would be *returnable* on the feast of Easter, and set down for hearing in the vacation that follows it, might probably not come on until Trinity vacation, and then plaintiff would not be entitled to a verdict, nor be

able to enter up judgment until November the 12th ; this, however, is too much to trust to, and a warrant of attorney would be proper enough, to be made payable on the 6th day of Trinity term, viz. June 17th. Thus always passing over one term, and entering six days into another, is the mode of reckoning exactly the day upon which judgment may be forced upon a man, even although he does not choose to baffle his antagonist with lets and hindrances. These we consider mean and shabby, if not dishonest—except in harsh cases, or where defendant's existence depends upon a few weeks or months procrastination. One of those lets may be employed to considerable advantage when the service of process has taken place *within* eight days of Trinity term (after June 3d this year, 1819,) then appearance must be put in on the first day of term, which is the second return: eleven days are occupied in the subsequent processes, until bail is justified ; and the putting in a false plea, throws the further proceedings over until Michaelmas term, *after* which it may be heard, and judgment may be entered up the 29th Jan. 1820.

WAYS AND MEANS OF EXTRICATION.

26. No one embarrassed tradesman encounters in his own person every one of the evils of law, which we have described as inherent to a declining trade. Different sufferers undergo the different attacks of these legal maladies, either of which may be rendered fatal to any one of them, sooner or later, according to the deadly skill of the *practitioner*. But, before we consign the harrassed man to the final pro-

tection of the law, or place his affairs inevitably within the fangs of its malversation, let us see whether there remain even now some means or other of extrication, without being driven to have recourse to that last extremity. We have already seen in what manner several attempts at making a *composition* have failed, notwithstanding all the precautions that could be used to bring them to a happy and equitable termination ; and we showed in what various ways that mode of adjustment was traversed by law-seeking persons, or made subservient to accelerating the striking a docquet by the lawyers. But there is a method remaining, of subduing the first, and consequently of avoiding the evil propensities of both the one and the other.

We noticed the leading cause of final ruination to an embarrassed man, 1st, (at page 88) in the precipitation of his creditors, 2d, (in Sect. 15, 17,) to the employing the lawyer in his affairs ; and, 3d, (Sect. 14, 22,) to his taking the advice of improper persons. At the very outset of this chapter, we pioneered still deeper in the evil, to show that persons of apparently great property, or who carry on large concerns, and indulge the spirit of litigation, thereby render themselves hateful as well as necessitous ; so that their troubles and their ruination, when these come to pass, excite neither to commiseration or help. Let no man be too secure : he knows not when his time cometh. Rather let him look forward to the *probabilities of the thing*, and reflect, that he who enters a prison to day, with a chain about his neck, may be detained there with one

round his leg to-morrow. Is not the court of aldermen stripped of one fifth of its fair proportions?

One of the heads under which we classed the declining Tradesman's ways and means of extrication from his difficulties, will be found, on turning back to Section 16, to consist in a *forced sale* of the goods in his shop or warehouse. This was the *second* head, which we now propose to develope, the *first* and *fourth* having been naturally disposed of on the spot.

In whatever way he may resolve to sell those goods, the already distressed man lays himself open to peculation: the circumstance of a *forced sale* seems to invite dishonesty in his agents, while *the secret* of his necessities promises impunity. A most obvious and ready vent, and imposing by reason of its great practicability, is that by *auction*; than which no other mode presents such exorbitancy in the incidental charges, to say nothing of the duty and the auctioneer's commission. (See further under "Auctioneers," Chap. IV.) When the depreciated value of the goods "sold without reserve," has thus suffered the auctioneer's numerous deductions—say £15. per cent, the owner may think himself tolerably well off, if he gets above one half of the original cost for his goods. But the deduction is still greater, if the vendor has found occasion, in his necessities, to ask for an *advance* of cash upon his intended sale. *Five per cent* more is then deducted, for so much as the sum advanced may amount to.

If the forced sale of his surplus stock by auction, be thus ruinous by the paucity of the return; no

less so is the assumption of "selling off" cheap, or "under prime cost," ruinous to his credit; our Tradesman might almost as bad write against his shop-door 'INSOLVENT.' Equally dangerous to his credit, and more disgraceful, is the plan of taking another shop, and making some of his people the apparent owners thereof, for the same purposes :* a much better method and more efficacious in itself, is the turning all his surplus stock of goods into bills, no matter how long-winded they may be, so they can be brought by subsequent operations in aid of his funds for the liquidation of all his debts. Our *third* head of ways and means, just referred to, also comprehended long bills, whether procured in this way, or obtained by pushing for the settlement of accounts already standing upon his ledger. With such *assets* as these, the needy man too often seeks to raise cash of *jobbers*, advertising money-lenders, and other such ruinous discounters with goods, as we lately described; which means of supply are always the forerunners of a speedy dissolution. *This mode* of obtaining money *must be avoided at all hazards*, since, in addition to the ruinous loss upon the gross amount, which is always as great as that by the mode of auctioning the goods, he will have to add the risque, and (to him *double*) danger of *unpaid bills*; an event always to be reckoned

* For about four years "selling off shops," in one particular line, pervaded Ludgate Hill, and in that time, very nearly a score persons stopped payment there. The goods were not supplied to those shops by distressed Tradesmen, but came mostly by night from a cheap-buying wholesale house before noticed.

upon, according to the rate laid down in our twenty-sixth section of Chap. I. ; and in the event of a bill being returned unpaid, those kind of fellows never wait a moment, but plunge into law expenses with the disappointed rancour necessarily consequent upon the base means which attended the original possession thereof. See Section 23.

With the whole of his bills so obtained, must the needy man set to work with the full determination to make every pound they import to be drawn for, answer the same purpose as cash, with the exception of *legal* interest only. His bankers offer the readiest medium of discount for a part at least of the shortest dates ; but their objection to long dates may be obviated, by inducing them to discount his *own bill* at *two months*, leaving in their hands the long bills as collateral security. Further security for the ultimate payment of those bills, may be best given by an additional *accommodation bill*, or bills, at somewhat longer date than either of the real ones : this is a better measure, and more agreeable to the banker, than procuring the signature of the *accommodating friend* to those other bills ; as, in the event of the earlier bills being paid, this latter may be retired out of the bankers' hands before due ; but should any one or more be dishonoured, time may the more readily be obtained for making up the amount. When the *own bill* comes due, the operation must be repeated, and so on until the long-winded *security bills* arrive near enough for discounting, i. e. within two months. Still there remain the major part of the bills, let us suppose, which the bankers disapprove : be it so. A *good natured soul*, worthy of being called *friend*,

must be sought for, who, will give his acceptance for these, or a good portion of them: if this bill be at three or four months, (deducting difference of discount,) and this prove too long for discounting, another transmutation must take place to a still shorter period, by the agency of another good sort of man, but as much better off in the world as it is possible to procure. In every stage of those exchanges, as many of these bills as 'tis possible to bring into cash, should be so converted; and this, with the remaining refused bills, are to be so mixed up, and adapted to the occasion, as to injure the applicant's future credit as little as may be: then comes the tug that is to bring him through his difficulties, if any thing on earth besides money, or the Gazette, will do it.

27. As stipulations are to be entered into, and verbal promises to be obtained, in this stage of the business, the next steps had better be taken through the medium of a *friend*; such a friend as will stand a rebuff or two, and set out with the resolution of not taking *No* for an answer. Besides which, it will be seen, the man who is asking for *time* generally, is very little better off than he who offers a *composition*, and if he makes the former offer in his own person, he would hourly run the risk of arrestation, service of writs, and other endeavours at preference, to which the litigious usually have recourse in all such cases. We presuppose enough of money and bills are got together, to pay twenty shillings in the pound, and that the greater part is cash; it naturally follows then, that this is the very best offer a Tradesman can make who has *disho-*

noured his bills, and is *unable to pay*, according to the strict import of the term; and also, that he will require fresh credit upon the old bases, in order to go on in business as before.

This latter promise is indispensibly necessary to be obtained by the friend who has undertaken the adjustment of those affairs, and its fulfilment a matter proper to be insisted upon, as a right, when the Trade recommences; for, the payment by real and *bonâ fide* bills of exchange, however long, accompanied by part cash, in discharge of an account, though *over due*, is a very different thing from asking for *time*, without such tangible security as the bills offer to the holders. These bills speak for themselves, and for the insolvent man, that he has been compelled to take such paper in the settling of his own accounts, and must therefore pay it away again, or the account must go unliquidated: the hardship is as great on one side as upon the other, and there is no avoiding the evil. As to other arguments, and reasonings, under a variety of circumstances, why time should be allowed upon *own* personal security only, or a composition by instalments, guaranteed no better, they are in every one's recollection, and within the compass of every body's mind, each being its own peculiar case; in fact, the chiefest point of persuasion to insist upon, in order to succeed, is for the person who advocates the insolvent's cause, to represent it as entirely *different from every other* which has gone before it. This obtunds the force of a *cold-nosed* reply we every day hear of, that the parties applied to "have but one rule to go by;" whereas the object of the advocate must be, to

make the particular case in hand, an exception to that and every other *general rule*, that stands in the way of a final adjustment of his client's affairs.

We feel convinced the subject is equally important to the Debtor and the Creditor, since it is to the intemperate rashness and stubborn conduct of the latter, as often as to the dishonesty, or the inconsiderate behaviour of the former, that the one is frequently defrauded, and the other totally ruined; and the chief points are so ill understood, or so little attended to by either, that we have no choice left but to speak minutely.

But, unfortunately, it happens in every case of default, that the creditors are hard to believe their old customer has failed in his payments, unless the unbeliever himself has *felt* its truth; and, what is more lamentable still, when 20s. in the pound are offered, with part payment thereof a long way off, they attribute to bad financiering, or to some latent evil motive, the desire to postpone payment so long. They therefore refuse to hearken to the first proposals, invariably, until the applicant has been long in hot water, until many bills have been returned, and the instituting of proceedings at law, has rendered the insolvent man's stoppage a moral certainty, exposed his situation to the world, rendered his going on again upon the old basis more difficult, and reduced the 20s. in the pound, successively to 19s., 18s., and, possibly, to 15s. or less. And what other could be expected, seeing that he has been in the meantime, for months, carrying on business *at a great loss*, and living expensively at *hide-and-seek* all that while? Add to which, the defence of several

actions at law, and we can soon make out the sum total of his defalcation. He may even have behaved inconsiderately; yet that circumstance does not justify the rashness of creditors in striking a docquet intemperately, upon finding the property dwindled. On the other hand, if his defalcation is palpable and notorious at first, all doubt is removed: if he be imprisoned, and his house closed, and his creditors' fears raised by the prospect of losing all, and they soon after that hear of a handsome dividend, we as invariably hear of a ready and universal compliance with whatever offer may be then made. We further lament to add to this picture, that the offers of small compositions undergo less scrutiny than large ones; which proves the policy of the hint thrown out in the last paragraph of the thirty-first Section, of making a law, compulsory upon the minority of creditors in all cases, to come in and prove their debts, before the property has been wasted, in the three separate and inevitable ways we have just set down. Indeed, that and the whole 19th and 20th Sections interweave themselves with this, so much as to require being reconsidered over again together, particularly the first lines of the twentieth Section.

28. Merchants who are temporarily straitened for money, but who can show good cause why they should be accommodated, may receive loans from the Bank of England. This is not an every-day measure; and, although their "loan-book" is never shut, there is no reason why the directors should not contract or enlarge its assistance at pleasure. The principle is that of *pawn*, and is that with which

they set out at their first incorporation, in 1694. The directors, who were before that time called *Committee men*, and the Bank termed the *Million Bank*, were empowered to lend money on goods pledged to them; accordingly, having settled their plans, they advertised in the London Gazette, May 6, 1695, their willingness to make advances, "on plate, lead, tin, copper, steel, and iron, at 4 per cent." Although it was not until 1763, their business in this way was first extended; and they now make loans on nearly every kind of property intended for sale. Ships and cargoes afloat, among the rest, were at one time constantly pledged with them in manner following; but how much further the directors choose to go in affording assistance to the distressed or needy merchant, it is not our purpose to inquire; the matter being very properly, and most delicately, kept secret.* When a merchant becomes distressed

* In 1796, it is believed, the Directors did not choose to make advances on *warehoused goods*, when the distresses of the large holders of produce were very great, and the first recent stagnation to our commerce was felt. But a loan of six millions of Exchequer Bills, granted by Parliament, "at the suggestion of some of the most intelligent persons in the city of London," (according to Mr. Pitt, who brought in the bill) relieved these distresses; not by the real *operation* of the loan so much as by its *influence*; for the sum called for never amounted to *two millions* out of the *six*. For the Bank of England immediately increased its discounts upon the accommodation paper of wealthy individuals, or bodies, who took entire warehouses in pawn, which discounts (or issues) have since reached to such an enormous extent. In this manner did that excellent measure of our most able financier effect its purpose, and prove, at the same time, with how much more facility the business of trade and commerce is transacted between indivi-

for money by the non-arrival of his consignments, through adverse winds, or the enemy, he may induce the directors to open their loan-book, and to make an advance to the amount of a fair proportion of the estimated value of such consignments, by depositing the letters of advice, bills of lading, and policy of insurance, all which are noted as having been left as collateral security for the sum borrowed. See Chap. IV. Sect. 11.

BANKRUPTCY.

29. Come we now to the very last shifts of expiring credit, previous to that sad event which we have all along anticipated, from the beginning of this painful chapter, must be the result of *legal management*. Hereto we shall add a few precautions and remarks upon the act of bankruptcy, the docquet, commission, and certificate; from all which it is very possible for a man to arise, and bidding adieu to all his lesser troubles, return, as by a spring, as we have often seen, and shine in the same, or a similar, business; sometimes, but seldom, in the same house, in which he had experienced years of troubles and anxiety, and saw approaching from afar the hour of his great misfortune.

Scarcely a Tradesman fails in business, who is not previously driven to little ill-advised courses to raise money, besides procuring *accommodation paper*, or

duals in this country, than between these and Government. Wary men (and those who may be distressed, always affect to be so) are fearful of accepting Government aid, in dread of Exchequer extents.

making *sham bills*; those major evils that approach to crime. All are stigmatised as *dishonest*; they certainly rank under the character of great improprieties, even when the money so raised is applied in paying accounts or bills, which none can blame the bankrupt for paying; but if the proceeds may be fairly suspected to have made part of a *reserve*, the crime is black and unpardonable, in him who cannot wipe away the imputation (see p. 245). *He* is no better off, morally speaking, whatever he may be in a legal point of view, who pays the demand of a harsh, unfeeling, or judgment creditor;* quite as blameable as either, is the oft-repeated crime of paying the demands in full, of relations and near friends. In fact, all preferences are unfair, from the moment a final stoppage is rendered certain, as we showed most fully at pages 89 and following; where we undertook to prove also, there is a crime in receiving preferences, and that some of the grosser ones had been legally punished. But we do not attempt to deny the propriety of paying *petty accounts*, and housekeeping bills of small amount, if the unfortunate man hopes ever to look up again in the world, as the green-grocer, fishmonger, milkman, &c. Should, however, the docquet come unexpectedly upon him (a circumstance we do not anticipate), and find him without money to effect this purpose, a loan may be obtained upon those smaller valuables which every man now-a-days possesses: the pawnbroker offers the readiest medium for accomplishing this purpose, and for supplying

* See the last sentence of Section 20.

the now bankrupt man with subsistence during that dreadful interval which, by all those galling indications we have descanted upon, may be considered as a certainty—*namely*, the first operation of the London Gazette, or a protracted imprisonment. No less care should be had when possession is taken of a bankrupt's premises, that the servants, shopmen, or other people, do not continue the usual running accounts for house-keeping matters, which he would be liable to pay in the event of returning to the same premises to begin business anew. In the case of a shop, where money is constantly taking, and the messenger's man presides over the affairs, a good check should be kept of the receipts and disbursements, as also upon all comers and goers. Well-locked wine-cellars, too, will prevent carousing, which is often the source of much disorder.

30. The law having contemplated such reservation of property as is necessary to his subsistence during the six weeks of seclusion to which a bankrupt is subjected—if not much longer; but even allowed him to keep, with impunity, *twenty* pounds beyond this, he who does not avail himself of the permission, is a fool to himself, and an injury to those who look up to him for support. As his children owe him their duty, they have a right to expect he will not sleep over their wants. At his final examination he will have to give up the balance of this reservation, together with what smaller valuables he may carry about his person, and the pawnbroker's duplicates, (in which always reside a value of 30 *per cent.*), and all will then be well. The whole, however, are usually

restored to him by the courtesy of his creditors.* Let him, during the six weeks, ask the oldest and best friend he ever had, for the loan of a few pounds to satisfy his pressing necessities, what is the answer he may expect? Is it, "How much will you have me draw a check for? Come, my good old friend, do not be shy; live well, and keep up your spirits." Whoever thought such sentiments would flow from the lips of a thorough-paced Tradesman under those circumstances, must have taken leave of his senses; on the contrary, black looks, repulsive negatives, and querulous doubts, are the much more probable means he would adopt for defending his pockets, and keeping their contents safe. Let a bankrupt walk into the street, with his *protection* scarcely yet dry in his pocket, and when looking forward over the heads, or between the intervals of the crowds, he espies a former friend, on whom he has showered benefits, coming inevitably close to his path, he

* Here we must stop our course of delineating the catastrophe of an unfortunate Tradesman, with an anecdote of a Quaker, who being one of the assignees to the estate of an Alderman of the city of London, attended the final examination and surrender at Guildhall. Upon this occasion, the unfortunate gentleman produced his watch, which, as it was of gold, the onerous creditor made an observation, that it might fetch a good deal of money; adding, while he drew the chain and seals through his hands, "I suppose thee has no use for it, now?" "Only to see the time of day," answered the humbled man. "Ah! then," said Aminadab, "I suppose thee must have that *giv'd* up too; but these seals, and this chain, have no such use, we will put *them* in the inventory." And they were accordingly sold among *the effects* of the bankrupt.

soon discovers this one has his attention immovably fixed on some very interesting occurrence over the way, if it happens the road is muddy; if not, he runs across it, to avoid the sight of his old friend and protector, afraid probably his presence might give rise to unpleasant recollections. Nor is this all, at home his confidential clerk talks lightly of his *capacity* for business, gives a hint at his *morals* and want of *economy*, and declares he will not speak of his *honesty*. His wife thinks him a *silly creature*, and amongst her relations and cronies calls him *fool*; imagining she herself could have foreseen the accidents that caused his ruin, she teaches her children disrespect by her example, if not by precept. If she has a jointure upon which the family may moderately subsist, * she takes upon herself the mastery of the family, and he becomes a hen-pecked husband to the end of his days.

Unless he bears up against these accumulated evils, they will have a tendency to bear him down.

31. We have thought proper to pursue the bankrupt's personal degradation to the end, that unfortunate men may see the extent of the evils they incur upon consenting to become bankrupt. For we had nearly gone on to maintain, that out of the eleven different *acts* of bankruptcy which a man may commit, only one of them is compulsory, *viz.* imprison-

* At page 147, the policy of making a proper settlement upon the wife is insisted upon; at this stage of his mercantile career, the now-ruined Tradesman will feel its benefits.

ment for debt, two months,—*without sufficient credit to procure bail*,* is hereby understood.

Various and contradictory as are the arguments for and against commissions of bankruptcy for the settlement of embarrassed Tradesmen's affairs, we feel no hesitation in referring the ground-work of the difference that exists,—1st, to the gross amount of an estate, and, 2nd, to the intricacies of the concern to be adjusted between the claimants. Notwithstanding which, we must concede to the non-bankruptcy side of the question, the fact, that we have known several very large concerns brought to a close, and fairly and amicably settled, without a *commission*;† and we daily perceive long and intricate *workings* of bankruptcy pass incomplete out of the hands of lawyers, into those of accountants, who, of the two callings, are best capable of settling such intricacies. The reader may likewise turn back to the two latter paragraphs of the 21st section; and, having made us debtor for our just antipathy to the lawyers, who usually *work* commissions of bankruptcy,‡

* The insolvent who may be taken in execution issuing out of the Courts of Requests *cannot be bailed*, so must go to prison; where detainers may be lodged against him, issuing out of any court of record. Nothing but *the money* will liberate him; and in this way he is compelled to become bankrupt. See Section 10.

† One of them is named at pages 37—8.

‡ Another proof, if one were wanting, of the proneness of most mens' minds towards attornies, is the employing them invariably in *working* commissions of bankrupt; an exclusive occupation to which they are neither entitled by reason of their expertness or intelligence concerning the matter, any more than a clerk, a Tradesman, or a school-master, who are equally eligible, and much more proper.

he may study without prejudice the various views we have been required to take of the advantages and disadvantages of a commission of bankruptcy.

Some men are so tenacious on this point, that they will submit to every species of disgrace besides, rather than appear, "Whereas," as they term bankruptcy, from the word which begins the announcement of a man's misfortunes in the Gazette. But, notwithstanding this coyness on the part of some persons, this reluctance, proceeding from no praiseworthy cause, we can look upon the man who being unable to go on in business paying fairly, but gives up all to be divided among his creditors, in no other light than an honest man. He ought to do the same in case of a composition as in that of a bankruptcy; the difference being only in the publicity of the announcement, and of the examinations. Whenever our reproaches are guided by the *quantum* of dividend upon a bankruptcy, we should examine the expences of working the commission and its attendant defalcations, as alluded to in the last sentences of section 29; to say nothing of the loss upon the hurried sales, usual in these cases, wherein the attorney gives his hasty opinion, if he does not direct them entirely. Whereas, the trustee of an estate under a composition, being well versed in the peculiarities of his own Trade, will adapt the time of sales according to the season, or the glut that may be in the market, and meet them both, so as to advance his own and his co-creditors' interests. So that, upon the whole, we come to the conclusion, that bankrupts, with small estates, are not actually such great *defaulters* as may at first

sight appear ; * and hence, that the arguments against striking docquets for small estates are unanswerable,

* A tolerably accurate estimate of the expenses of the commission only, here follows ; taking the averages from nearly one hundred *sets of proceedings* :

1st. Where the sums proved have amounted to one thousand pounds, (or nearly,) and not so much as two thousand, the solicitor's bill of costs, and the messenger's bill together, averaged at 2s. 4d. in the pound ; the highest being 2s. 10½d., the lowest, 1s. 7½d.—2nd. From two thousand pounds proved, to three thousand, the average expense appears to be 1s. 11d. only, the highest being 2s. 5d., the lowest, 11d.—3rd. From three thousand pounds to five thousand, proved under each commission, the average was so low as 1s. 1d.—4th. A few larger bankruptcies averaged at 9d. and hence it may be concluded that the higher the amount proved, the lower would be the average ; and shows that small estates, as things are now managed, are hardly dealt with as regards the expenses of *working the commission* only.

In that which respects the *sale of effects*, the proportions must be the same for the two first classes, unless from adventitious circumstances † the Auctioneer's charges of every sort going on in the ratio of the sum total sold. And as these are found in three several instances, to have amounted to £7. 16s. to £8. 8s. 6d., and £10. 1s. *per cent.* respectively, upon the amount sold, (averaging eight and three quarters per cent.) we may come at the *quantum* of a bankrupt's *honesty* ; according to the way of thinking with some people, but which we should rather term his *ability to pay*.

Then it follows that small estates which pay dividends of 8s. 7d. and larger ones of 10s. 8d. were valid on the days of their stoppage respectively. I. If we allow, that in every case, the effects suffer by the sale a loss of 33 per cent. and a fraction upon prime cost ; and assume that the bankrupt left 20s. in the pound in the messenger's hands, when the dividends amount to 8s. 7d. in the pound, he has paid his debts in full, morally speaking. For the 20s. we suppose he possessed, suffers *first*, a deterioration of 6s. 8d.

† As litigated debts, drawbacks for damages, disputed titles, procrastinations, &c.

for larger ones problematical at best ; though circumstances may undoubtedly arise, under which commissions of bankruptcy, are the best means that can be adopted for making a fair and equitable division of the property among the creditors.

in the pound ; *secondly*, the auctioneer's charges (*no duty*) of eight and three quarters *per cent.* as above, on the remaining 13s. 4d., which form a further deduction of 1s. 2d. The proceeds of sale will then stand at 12s. 2d. which is next to be charged with the commission expenses: and these upon the sum proved being 2s. 4d. on an average, are enhanced in exact proportion as the reduction of the *totality proved* into the quantity of cash to pay that total with, as 12s. 2d. bears to a pound. This proportion we find to be 3s. 7d. out of every such 12s. 2d., and leaves a balance of 8s. 7d. as the moral 20s. in full, and comprises the whole of the first class.

Class II. As the average of expenses are lower, so we imagine would the loss upon selling the property be less than the minor Tradesman's stock of the *first class*. Without repeating similar details, we estimate that 10s. 8d. in the pound upon the sums proved, is the moral 20s. paid in full, on this class.

Classes III. and IV. The average of expenses again decreasing upon those to 1s. 1d. and 9d. in the pound respectively ; and, as the effects which would sell for three or four, or say ten thousand pounds, would be no more expense on the whole than a sale of two thousand. (See "Auctioneers," Chapter IV.) the moral 20s. would lie somewhere between 13s. and 14s. 6d. in the pound. Indeed, the law seems to recognise 15s. in the pound as the *legal* 20s.; and this very recognition, and the great increase of allowance to bankrupts made by the act, upon paying this amount of dividend, bespeaks most clearly and unequivocally, that small estates are not the proper objects of the Bankrupt laws. It will be perceived, we have allowed nothing for *bad debts*, which are almost certain to be incurred on every stock which is sold among those of *its own Trade* ; nor calculated for the dilapidations to which all bankrupt-property, without exception, is subjected, from the moment a commission is contemplated, some of which are enumerated at pages 229 and 234.

But regarding the scruples of those insolvents, who dread seeing their names after a "Whereas," we would ask them, or any of the objectors, whether it is not more fair and honourable, and ought not to be more congenial to the feelings of a man of character, to give up all his possessions to be divided, either by composition, or under a commission of bankruptcy, than for such men to shuffle about as some of them do, hiding here, and concealing themselves there, going from town to town on pretence of business, as we have seen, making transfers of property, and guilty assignments, and other such undue transactions, alike disgraceful and ruinous? And yet such men there are among the unsuccessful of the lower classes, who waste in tricks and evasions, that property which ought to have been employed in raising the dividends upon their estates. In saying this much, we have our eye upon some half dozen persons, in as many different departments of Trade, who have thus demeaned themselves. One has made *unfair* compositions four several times, twice inhabited the Fleet Prison, and once received the benefit of the insolvent debtors' act; preserving through every difficulty his-house and Trade, and the *proud distinction* of never having been "whereas." Is such a character toleratable, that he should hug himself on an absolute negative like this, while he makes a full display of the trophies of his dishonesty? We noticed this Mr. Vaun in our 23rd section, as one of the railers against the really unfortunate.

Another of these eschewers of *whereas*, who is a manufacturer (not exactly in London,) describes the

contrivances he had effected upon his premises, to elude the sheriffs' officers and to shun his creditors, whilst he preserved that superintendence of his workmen and apprentices, which was necessary for the dispatch of his business. Thus, teaching by example, that knavery and dishonesty may go unpunished; and, we may say, inviting the rising generation to set at defiance the wholesome law of debtor and creditor, and by natural inference, all other laws.

32. A bankrupt may at times produce his certificate for signature at the *third* meeting, when it seems to him desirable for his re-commencement in business, or otherwise; but this is seldom done, or proper, without a suitable explanation. In making up the final statement of his affairs, he should be mindful not to employ an attorney, since, in any stage of bankruptcy (see page 237,) they are totally inefficient as such, and it gives the appearance of a desire to pass the ordeal of a third examination by means of his quirks, rather than by the fairness of the man's own statements. Worse than this, is the employment of a counsellor; his very appearance gives to the commissioners (themselves for the most part counsellors) an idea of undue advantage, taken of the assignees and examining creditors; upon whose request, or at their own mere motion, they will postpone the final examination to a new day, in order to give the other party an opportunity of calling in the like assistance. His affairs, and his conduct, then undergo that sort of sifting and investigation, which very few unfortunate men can come through, unsullied by innuendoes,

by cross questions, and ill-tempered unheard-of combinations. For, whatever may be thought of commissioners of bankrupts, they are but men, and have a fellow-feeling for other unbriefed, unfeed barristers ———; and they must hear of the appointment of double meetings, postponements and re-examinations, with the same feelings that men of any other profession contemplate an accession of Trade, or an increase of emoluments.

Generally speaking, for small estates particularly, it is recommendable to employ “the solicitor under the commission” to obtain the certificate; for which purpose a friend should deposit money in his hands to about the amount of half its costs, after making a bargain for the whole. If no bargain is made, the Lord only knows the extent of the impositions that will be practised, chiefly under the head of applications and attendances to obtain the signatures necessary to make the instrument valid. The whole expense of a certificate, when the signatures are obtained by a *friend*, who of course makes no charge for this last-mentioned service, is about nine guineas: if the signatures are to be obtained from distant places, up and down the country, it will be easily foreseen the charges must encrease in consequence. Many a cormorant-lawyer mounts them up to twenty pounds, or more; therefore the most advisable plan is, to save money by employing such a friend in obtaining the signatures, under the assumed pretence of delicacy, or any other.

33. Men who are reduced in circumstances by any of those causes, feel depression of spirits in conse-

quence; * this is wrong in every point of view, and ought to be borne up against, or a friend should counteract the ill-effects of his misfortunes, by cheering up the suffering man, by enlivening his prospects, and pointing out the way to a renovation of his calling, trade, or occupation. Balm thus applied is more valuable than sterling gold: there is no calculating the value of a friend in distress. A man of strong mental powers will rise out of his misfortunes so much superior to the depression he has undergone, that he will sometimes appear to be elevated as by a spring, bounding from the abyss of his miseries, and taking a more commanding situation than before, in his commercial relations. We knew one of those, who sustained the threefold shock of having his house burnt (partially,) in one month, who lost his only son in the next month, his wife becoming deranged, in consequence, of which she died in six weeks, and a total wreck of his Trade, then flourishing, by the entry of the sheriff with a *scire facias*; the effect of *bailing above* one of his dearest friends. Although he appealed to his real creditors, and became a bankrupt, yet the contest for his property, betwixt these, and those first in possession of it, caused so much sourness as to leave him with only five or six pounds to support himself, four children, and a lame (wounded) brother, to the day of his final examination. But nothing deterred, he plucked up his spirits, and copying the example, probably, of the forced loans then making in France and elsewhere abroad, he formed

* We partly anticipated these thoughts in the last paragraph of Section 16.

a list of all his friends, placing against each a sum proportioned to his ability, or supposed willingness to lend, which list he got inscribed by the greater number of those friends, with as much ease as ever forced loan was filled by his Prototype, the little emperor. With the sum so raised, he commenced business again, though under rather unfavourable aspects, and repaid his loans honourably. It may appear super-necessary in us to add, that this mode of renovating his fallen fortune, is held up to the imitation of the unfortunate bankrupt, who has taken so much care of his character, as to be able to look in the face of his former friends without a conscious blush.

BANKRUPTCY: CONCLUSION.

34. Finally, since no man ever passed through a commission of bankruptcy, with his character untarnished by some imputation or other, either that he is a rogue, or a fool, a madman, or a knave; it must be obvious he should use his earliest and best endeavours to wipe away in a complete and effectual manner, the malicious and baleful poison, that corrodes the deeper the longer it lasts. But busy rumour, like the shades of night, is generally intangible. Probably, the sufferer knows whence it proceeds, and the views of the utterers? He has then achieved one point towards clearing up his character. Conscious of his own integrity, and willing and forward as he is to seek enquiry into the facts, though he may be solicitous of investigation, yet he cannot, must not, walk up to the slanderer with the bare un-

asked-for appeal “ You have said this evil thing of me : adduce your proofs ; where is your evidence of my guilt ? ” This course would not answer his purpose.

As the charge is false, so must its promulgation be insidious : therefore, according to our notions of right and wrong, it should be repulsed by falseness and insidiousness, since candour and fairness must fail. The reader may smile ; but we put it to his common sense, whether he would go into battle armed inferior to the enemy ? Of what use would be the best swords, targes, and battle-axes (those antiquated weapons) opposed to a brisk cannonade ?

He must employ a spy, upon whom he can rely, to draw out the secret from the slanderer, in distinct terms : but he must be mindful to let no lawyer introduce a word upon the subject, although he guarantees ever so large damages : nor must he himself threaten, hector, or bully, the slanderer, so as to make him *eat his words*. For those excrescences upon a man’s fair character, *if repressed suddenly*, will, like tumours (of *pus*) on the skin, but tend to affect malevolently the sanity of the whole system. An investigation should be set about : cool and temperate enquiry, first into the facts, (if any) and then a deduction from them, by competent persons, must set matters in their true light, and expose the calumniators. The assignees would be the proper persons to hear the evidence, and to give judgment ; if it appears that the allegations are sufficiently grave to require more solemn enquiry, *they* will call in the assistance of the commissioners.

Some years ago, a neighbour, just emerging from

his difficulties, was accused, by inuendo, of defrauding his creditors : the most distinct charge, embodied in words, was " that he had come badly off to get better on." Which assertion was supported by something which somebody knew had taken place some time or other. The friendly spy discovered dark suspicions fell on a cart-load of goods, mysteriously sent off just on the eve of bankruptcy ; and that naked fact was proved before the commissioners ; to whom it also satisfactorily appeared, that those goods had been merely deposited as security for repayment of an advance made upon them long before : but that the *lien* having been discharged, they were of course delivered up.

Respecting malicious reports, that have no visible ground-work, they being the conjurations of the malevolent slanderers with whom they originate, without the shadow of an apology, we have already taken occasion to animadvert upon, when speaking of unfortunate persons generally, at page 216 ; and so we dismiss the subject, with the insertion of an anecdote, very useful for the Trader to know, and affording matter of reflection for the mere moralist.

At the examination of that neighbour, as stated above, which took place privately, there appeared in the foremost ranks of criminators, two of his own most favoured servants : the first, an apprentice, whom he had reared from the petticoats, to almost manhood, in the course of which time he once restored to him his forfeit-life ; and this, although under the circumstances no great exertion of a humane disposition, which we should have foolishly imagined would bind his grateful heart still closer

to his master, we now discover was the very cause of his then imbecile rancour. Cherishing the same kind of hope to get rid of his load of gratitude, by the destruction of his benefactor, appeared the warehouseman, whom with a large family having raised out of indigence, and cherished for years, our miscalculating neighbour expected to find upon the present occasion neutral, if not compassionate. What was his surprise, however, to see that man not only arranging what he vainly hoped was conclusive evidence of guilt, but giving such a perverse colouring to his own narrative of recent commercial transactions, that the examining commissioner pronounced his conduct *infamous*. The reader may turn probably to pages 235-6.

The infamous man knew so little out of the department to which he immediately belonged, (the warehouse) that he mistook for dishonesty, the commonest financial arrangements which take place in houses that are run hard for cash, as this one must necessarily have been, or it never would have stopped payment.

A tragedy was like to have ensued, in the shooting that poor creature through the head; but a better mode of arriving at the same end, was afterwards adopted: he was constrained to go to sea, that general receptacle for such as disgrace the land, where he was shot at the public expense, and for the public honour, off Copenhagen.

CHAP. IV.

OF AGENCY.

AGENCY : EXCHANGE BROKERS.

1. LONDON in commerce, as it regards the world, is like the heart in the human body, which receives and dispenses nearly all the vital matter at one time or other : the Thames, acting like the lungs, gives life, and health and vigour to the whole. To drop the metaphor, on the banks of the Thames is the grand depot for all Europe ; as it more certainly is the centre of our own trade. To this port resort mercantile speculators from all quarters of the world, and in it are domiciliated, residents from every other port of any importance, throughout the wide expanse of the earth. These require the agency of natives, or the local knowledge of the initiated, to dispose of their cargoes : so of all others, who forward the growth, manufacture, or other produce, of their own countries to this, as they cannot, when trading on an extensive scale, come personally with their goods, nor send confidential persons (*super-cargoes*) with every investment, consign the same to our merchants.* These also employ agents in the disposal

* Before Queen Elizabeth's reign this trade was wholly in the hands of the Hanse Merchants of the Steel-yard : in 1578, the import trade was laid open, and the doctrine of *return-cargoes* became better understood by the English Merchant-adventurers.

of the *produce* so received, who are termed **BROKERS** by distinction, and *Exchange brokers*, by reason of the *Royal Exchange* being the understood place of daily appointment, for the purpose of entering into fresh engagements or the ratification of pending bargains.

They were at an early period put under legal regulations, for the due performance of their agency, (i. e. in 1602;) no doubt to secure to such *foreigners** as resorted hither, or sent their merchandise to our port or market, that they should be fairly dealt by.† Neither Queen Elizabeth, nor James I. seem to have intended the annihilation of the German or Steel-yard, Merchants, but only to put all natives as well as foreigners upon the same footing: and these never ceased to buy and sell the property of others, without either taking the oath, or giving bonds. But we lament to say that there is reason to conclude, they did not always act honourably, even although the laws and regulations quoted in the margin had never been preserved‡. Those laws bind the broker

* *Foreigner*, technically means all those who have not been admitted to the freedom of the city of London. See page 179. *Note*†.

† “For the satisfaction of such persons” every broker at the time of his admission, besides his certificate, was furnished with a *sign*, which consists of a medal; and he is *bound to show it* when required—by those whom it may concern;—a practice that is continued, though its observance is not now exacted.

‡ By the Act 6th Anne, they were subjected “to such restrictions and limitations for their honest and good behaviour, as the Lord Mayor and Court of Aldermen shall think fit and reasonable. Again by an Act of 57 Geo. III. which had a double purpose, they were directed to be further restrained, to be further taxed, and a penalty of £100. laid on persons presuming to act without being duly *admitted*. The duty is now 5£. *per annum*. Agreeably to

by oath, and under penalty of bonds for £1500. while he is employed as an agent in transferring the property of others from hand to hand, not to "drive any other trade," lest he should be interested farther than his agency comes to. Yet have the court of Aldermen, in their last ordonnance, made *a rule* (the 5th), that persons found so offending shall be *discharged from their offices*; and also admitted the possibility of a broker becoming bankrupt, and seeking for re-admission to office (by the 7th rule); a thing which could never happen, were they to be restrained by the moderate construction put upon it by the 5th rule. See above, Sect. 28, and page 175.

2. By the *wording* of the laws and regulations, as extracted into the margin, the reader will perceive a necessity was deemed to exist for both kinds of restraint upon brokers, as well as the increase of the penalties for misconduct, for unfaithfulness or falsification of bargains and sales. They themselves feel the force of the oath they have taken, by writing, many of them, on their cards of address "*sworn broker*," "*sworn appraiser*," to distinguish themselves no doubt from those who act as brokers without being so sworn. We formed a rough estimate of these unsworn brokers at page 76, *note*, and if we were disposed to make any alteration in the number there set down, it would be to increase it consider-

this last act the Court of Aldermen, in September, 1818, ordered, that the security to be given hereafter should be "a bond of £1000. and two sureties in a bond of £250. each, for the due execution by a broker of his office or employment."

ably; for, since writing the preceding pages, we have walked into Lower Thames Street, and find six or more "agents," or "brokers," of ships, of insurances, or produce, professedly living there, whom we cannot discover in the printed list of brokers, now lying open before us, although the inscriptions on their houses and *the list* are cotemporaneous.* But, whatever proportion the statute-brokers bear to the acting ones, we shall make no distinction in our sketch of the calling, between the mode of conducting business on the part of the one and the other; for we cannot distinguish upon the view, nor by the actions, a sworn broker from an un-sworn one. If we were to ascribe the paucity of numbers of the sworn brokers, to the consciousness of original transgression, which prevents so many from taking the oath, we should give our readers who are *foreigners* a fine idea of the morality of the acting brokers; but there are conditions annexed to admission by the court of aldermen with which it should seem the greater number cannot comply. These are, 1st. "A certificate of the candidate's competent *skill* and *knowledge*, in the particular Trade wherein he seeks to become a broker." 2nd. "That such broker, after

* Furthermore, the number of Jews who are *sworn* brokers amounts to just one dozen; although every one must know that a thousand at least of that people, are professed "brokers." But the evasion can have only a pecuniary recommendation, as the oath is only administered to them on the Old Testament, in English.

† Here it may be worthy of remark, that he who *acts rightly* without being sworn, forfeits £100. while he who acts *wrongly* and contrary to his *oath*, forfeits only a (half-crown) medal and his appointment.

setting forth his particular line of business, shall *satisfy the court* he is conversant with such business and the articles he intends to *intermeddle* with.”* The conditions are very proper, and the last words pretty significant; but, when so qualified and sworn, and put under bonds, and the extensive transactions in which he may be employed are “entered in his *broker’s book*,” he legally validates the sale of whatever goods, wares, or merchandise are transferred by his agency. A “*bought ticket*” accompanies, or forms, each transfer.† These particulars show the importance of his office; point out the necessity of previous instruction, and the whole together proves the

* The freedom of *the city* and in some trading company within it, is necessary previous to admission, and matriculates all who make the purchase; they then become *citizens*.

† A broker’s bought ticket, accompanied by his oral testimony, is as conclusive evidence of mercantile transactions as can be offered in courts of law. Anno 1816, a cause was tried at *Guildhall*, in the course of which the authority of one of these was attempted to be impugned by every kind of equivocal and sinister explanation that could be devised by legal ingenuity; but all in vain. These tickets, like the cockets (tickets) of the custom house, are notoriously *ill-written*. Upon the occasion just alluded to, the venerable chief justice taking up the *bought ticket* which had been put in as evidence, remarked to the witness, “You might as well have written your bought ticket so as people could make it out: it is not unbecoming a man of business to be intelligible at least.” (See what we said of written evidence at page 156, and of oral testimony at page 160.) The witness, who was the broker himself, replied to Sir James Mansfield, that, “he had made the ticket for his own and his principal’s use only, to whom it was perfectly intelligible, not having an idea that so plain a cause would ever be brought before his lordship.” A very neat reply; not wanting in respect, nor in the proper distinction between *law* and *trade*.

propriety of enforcing wise and just regulations in the employment of a broker of the city of London.

Brokers in extensive practice, are frequently termed *merchants* by courtesy; many, indeed, are so in reality (or such *middle men*, as are noticed at page 81)—whilst some profess to be both merchants and brokers, however incompatible the two occupations may be, according to law.

3. Brokers, *par excellence*, sometimes termed *factors*, are those who sell *produce*, no matter whether of other nations, or our own dependencies, and are generally denominated after the articles in which they are wholly engaged, or upon which they originally sued out their qualifications. In later times, the term has been applied to agents in the disposal of other property than produce; and thus we have the *tea* broker, *sugar* broker, *Russia* broker, *oil* broker, *ship* broker, *Irish* broker, or factor; the *hop*, the *corn*, and the *coal* factor, and many others, to say nothing more here of the *insurance* broker, the *bill* broker, or of the *stock* broker, than that we shall return to each of them in our subsequent pages. Salesmen, warehousemen, auctioneers and appraisers, are all equally *agents* in the transfer of other people's property: add to these, *furniture* brokers, or *appraisers*, wine and spirit brokers, or gaugers; the factors of wool, wollens and *salt* provisions;—the salesmen of *fresh* provisions, of cattle and of fruit; the warehousemen of cottons, carpets, bombasins, and other piece-goods, together with army and navy agents; and these the reader will mark are the prolific names

and precise occupations of the numerous class to whom we did at page 84, assign a separate station in the SIXTH ORDER OF TRADE.

Besides these, there are a great number of agents in other departments of Trade, to one or the other of whom, our larger manufacturers throughout the empire forward their produce; but who, being merely *town residents* for selling the produce of those distant concerns, each of which employs his own distinct *scyon*, or servant, either at a salary, or a *per centage* upon the business done; we do not consider as belonging to this order at all, but to one or other division of the *fourth*, and therefore dismiss further notice of them;* as we do, for the present, that modern *lusus* of embarrassed trade—the accountant. With the resumption of these latter, we shall take a sober review of the establishments, offices, societies, and companies, which have sprang up from time to time, out of the *mania* for joint-stock-trading, to which at distant and various indistinct intervals, the attention of the trading world has been so called, by sets of schemers, who assumed to be projectors, founders, actuaries, secretaries, accountants, committee-men, directors, and the like. (See below, Sect. 19.) The consideration of the benefits offered to society by these several bodies, belongs to the following chapter. Attornies act as agents, also, for others of their profession who live at a distance from town; but this being a part of their sole occupation, as the word *attorney* imports,

* Their interests, or those of their employers, are all along the subject of the first chapter. See p. 83.

we have no more to do than to notice the circumstance here; and to complete our enumeration of agencies by observing, that there is a new kind, arising out of the act for the relief of insolvent debtors, most of the practitioners in which line of business, have been themselves discharged debtors under the act.

4. In the disposal of RAW PRODUCE, the brokers are most eminently serviceable, as they ferret up tardy purchasers, and are at all times the centre of information respecting the wants of the market, and current prices, and they are the persons to whom manufacturers, dry-salters, and other dealers *in gros*, may apply without prejudice. Those who are agents for manufactured goods, or such as require *dividing* only, usually keep these in warehouses themselves, or *receive* orders at their counting-houses. Both kinds have their *customers*, as they imagine, with as much exclusive prejudice in favour of each other, as the handicraft Tradesman and his customer.

If brokers be at all necessary to the transmission of property from hand to hand, they become doubly so during a fluctuating market: when the *inducement* and the *wish* to creep out of his engagements, appear to rest sometimes, unhappily too often, with the buyer, at others with the seller, the broker holds the recreant person to the fulfilment of his contract. The latter having an entry of the prices and terms of settlement, from which no retreat or parley is, or can be allowed, is a circumstance which ought to be sufficient to decide us in favour of employing a broker, although no other good end were deducible

from the practice. This was illustrated farther back (page 253, *note*.)

But merchants who have large quantities of one given article, and only one, to dispose of, generally know every probable purchaser *in gros*, of that article (as *copper, glass, lead*). These then save the brokerage or commission, which may not even then be sound policy, for the purchasers become acquainted with the seller's peculiarities, or mode of transacting business; his views, and the sources of his information; to say nothing of certain personal or commercial likes and dislikes, as regard family matters, political, moral, or religious differences,* the recollection of former embarrassments, vague rumours, &c. &c., none of which ought to affect the broker. His intervention obviates all these objections as soon as they arise; the goods offered, stand upon their own proper merits; the broker explains away supposed faults, respecting the quality or condition of the goods—the bargain he makes is good, and he delivers his *bought ticket*, and enters them in his “broker's book,” which confirms the purchase and sale, and the delivery and *acceptances* follow as matters of course.

From transactions such as these it is, that the celebrated weekly lists called “London Price-Currents” are made up—as to *value*: the announcement of sales in all the various ways to which vendors have recourse, shew the offers that are made, from

* We know of an otherwise “good man,” who will never make a bargain, however advantageous, with one of the ——— persuasion.

time to time, and the results prove the *bond fide* briskness of the demand, or otherwise, as well as the prices that are so obtained. At the Custom-house from the "entries inwards," may be learnt the quantities incessantly imported. We thought this brief notice of publications, so much and so deservedly sought after at home and abroad, as shewing the state of the markets, was due to the importance of the subject, and a tribute to the usefulness of those works; each of which is the weekly labour of an eminent broker, whose name it bears.

5. It has happened, however, that the necessities of the *seller* have identified his transactions with those of the *broker*; the latter giving his own acceptances to the former, instead of those of the actual purchasers, for the drawing whereof the seller cares not to wait; and, indeed, brokers have been known to lend their acceptances long before the goods were offered for sale. When brokers have been speculating on their own account (which thing, as well as the preceding, is directly contrary to the express provisions of the statute, and their own oath) and those speculations have turned out bad, they have been known to make out the *bought ticket* to themselves, or their nominees, and thus defrauded their principals. The proper owners of goods witnessed some most depraved disclosures, when, during the late times of public distress, several brokers became bankrupt. One of these published a pamphlet, exculpatory of his conduct; but we know of none who have surmounted the objection to their character, which attaches to no other trade or calling,

under like circumstances: the contravention of an oath is beheld with horror, by every man, however destitute of principle; and, indeed, no person feels the value of character so much as he who stands most in need of one.

Those are two of the chiefest modes in which the fraudulent broker may act dishonestly towards his employers; there are numerous minor methods of cheating them, of which not the least is where he sells the confidence they have reposed in him. But we do not lament so much this malversation of his office, when it goes no further than disclosures touching the deteriorated state of the commodity offered for sale, or of its being misrepresented by an unfair sample, or in his instructions—because those are faults *ab initio*; his offence begins with the asking remuneration for this kind of information—*Payment for honesty!* This is done under the shape of taking a commission, or *brokerage*, from both parties, a practice that pervades the entire order of agents, from beginning to end; and is provided against by law (*vide* Rule 9 of the Court of Aldermen, 1818.) He goes farther, when it lies in his power; and his offence then assumes a different complexion, when by giving up the lowest price at first, contrary to the usual practice among brokers; or by telling the intended purchaser whereabouts the same goods can be sold as soon as bought, at an advance, and he either receives a fee, or the buyer and broker share the profits between them. Again, when having found out a buyer *for money*, he sells to a necessitous man for bills, even though at the same prices, in order to put this latter into cash by the

resale, for some sinister purpose, or preference, in which the broker is interested. Herein he not only compromises the immediate interests of his employer, and his latent safety to the full amount of the goods so sold, but by thus hawking them about for cash, at reduced prices, probably, the whole remaining stock on hand belonging to his principal undergoes the like depreciation in price.*

It is when a broker of produce, or of our manufactures (warehouseman) gets into the Gazette, or betakes himself to foreign climes, that such secrets come out; and we have treated the subject tenderly, *too tenderly* in our opinion, considering the facts which lie before us, demanding our attention, and crying aloud for exposure.

AGENCY: SHIP-BROKERS.

6. SHIP-BROKERS are those who take orders for the tonnage of ships; the engagements when once made with them being binding on both parties, unless made on special conditions; the owners being compelled to carry the goods, as per tonnage, to the port for which the vessel was *put up*, or engaged for, and the merchant to pay the same, whether his shipment be ready or not.

* Nothing was more common in every department of Trade, during the height of the late war, when discount was difficult, than to buy at credit for the purpose of making resale for cash at a loss. It prevailed most in the *gold trade*, as between refiners and gold-workers, but the practice extended to every description of goods.

A good deal of manœuvring takes place through the broker as to the time of the ship's sailing, most frequently in war-time, upon demurrage; numerous law-suits are then brought, and damages recovered; deceit on this head generally brings down legal punishment and disgrace upon those who practise it, especially if the ship takes passengers (*women*) who become clamorous when detained along-shore, day after day, in expectation of sailing. This, with that other shameful falsification, of describing a vessel as always in her prime, brings discredit on the broker, who is at length disbelieved by the majority of regular shippers. His announcing a ship as A 1. for a number of years together, and after three, or more "*repairs*" have been effected upon her hull, partakes of dishonesty, notwithstanding the usually made "*survey*," the *mode* of procuring which constitutes the primary transgression. "It only resembles the conduct of an old maid," said one of them, "who called herself '*Miss, of 40 years,*' until she died of extreme old age." How much he mended the matter by this ill-timed comparison, we leave the reader to judge.

At the CUSTOM HOUSE, the same men are indispensably necessary to the *occasional* shippers of goods, in passing an entry, in consequence of the difficulties thrown in the way at every step. Nearly every mercantile house on a large scale keeps its own custom-house *clerk*; *i. e.* one whose business is solely to pass their goods, to look after and to make their own particular entries; to superintend the wharfinger, and in fact to do all the drudgery

which appertains to the ship-broker, who is at the same time a Custom House agent.

Notwithstanding Merchants and Tradesmen (who are shippers) can and may perform those peculiar transactions themselves, a cogent question arises, in consequence of the difficulties attending it, whether it be not better to pay the trivial charges of agency, than to go out of the way to look after the mere mechanism of their trade?

AGENCY: UNDERWRITING.

7. Towards the termination of our first Chapter, we took occasion to speak of the impolicy of Traders, mere Tradesmen, seeking after adventitious profits by dabbling in the funds, or under-writing ships and cargoes. See page 123. Both these means of increasing his income, are urged upon every Tradesman, by the brokers in one line or the other. However, those adventures are not only impolitic but dangerous in themselves, and reflect no credit on those who go after them out of their own proper sphere of business, as such matters belong alone to Trade of the *first order*.

The fault originates with the brokers, generally; who persuade men out of their senses, in order to pocket a paltry commission in some cases, or a double one in others. All are jobbers, or have those at hand who are contaminated with jobbing propensities; therefore we shall treat them all alike.

Owners and shippers have three means offered to them of effecting insurances upon their ships and

cargoes.—1st, The insurance offices; 2nd, At Lloyd's; 3rd, Among Tradesmen who belong to neither. The first are, two incorporated bodies of one hundred years standing, consisting of many members, and governed by committees, thence termed governors: the *second* are a great and indefinite number of merchants *and others*, who *subscribe* towards supporting a coffee-house kept by one Lloyd, formerly, where they assemble: and of which assemblage, *the brokers*, who procure signatures to insurance-policies, daily form the greater part, and almost daily transgress the law by signing *policies* on their own account. Insurances are here effected at considerably lower rates than with the two incorporated bodies, no doubt by reason of the one being thought a better kind of security than the other; and it follows, that, whatever the fact might be, the credit of shop-keeper-tradesmen must be thought less of than either, *as under-writers*; though, out of *Lloyd's*, the credit of one half of its members would be exactly in the same predicament, as to inquiry, examination, and rumour.

But in making the distinction, and noting the fact, of the pre-eminence of the incorporated bodies, we must not conceal, that the practice of meeting at Lloyd's Coffee-house, and others in (Lombard-street,) was of much remoter antiquity than those incorporations; * and we may add, that the procura-

* That is to say, the 24th January, 1720; during the highest heat and fervour of the too-celebrated *bubbles*. A cotemporary says, of the first, " they petitioned in 1718, stating that a *million* of money had been subscribed by nearly three hundred persons.

tion of the act of parliament for embodying of either, resulted entirely from the long and united efforts of one or two sets of merchants—under-writers, who were opposed by all the others, and was only obtained after much labour and intrigue, and two years expended in applications. Indeed, the mode of insuring ships and cargoes, is undeniably of English origin, † being then, and for more than a century there—

They again petitioned without success, and a third time, 8th Jan. 1720, when they were successful, and became the Royal Exchange Assurance Company, with a capital of £500,000. That same day, another body applied for, and obtained a patent for *insuring* ships and merchandize, with a subscription of £2,000,000, to which were afterwards added 16,000 more shares, of a third set of petitioners, under the title of the "*London Assurance Company.*" On these shares 36,000 altogether, *twelve and a half per cent.* was paid down. Both companies advanced money on Bottomree bonds, *both* are exclusive of any future incorporation, *both* subsequently became chartered *fire* companies, *both* engaging to pay to government a sum (£300,000,) for support of the civil list, but *both* obtained the remission thereof the following year, "in consequence of the difficulties they laboured under." *Anderson's History of Commerce, vol. II. page 290.*

† Although the first notice of insurance in history, refers to the year 1560, yet, as this regarded *Antwerp*, and we find at this period the *cateras* of all policies of insurances granted there ran thus: "and in all other respects to be guided by the custom of London," or words to that effect; it therefore seems clear, that we took the lead of all other countries in the practice of insuring. An act of Queen Elizabeth, (43 cap. 12.) speaks of assurances as well known, and provides for some long and crying evils a remedy in a commission of fourteen, to settle average disputes, &c. *as a means of avoiding law*, and as a check upon the spirit of litigation. Such was the earliest *distinct* mention of assurances, which most certainly grew out of the circumstances of the times, viz. the naval disputes with the Hanse towns. The suggestion of the commen-

after, termed *assurance*, that being also the word which is applied to the two incorporated companies. The foreigners having thus borrowed the principle from us, even copied our mode of deciding the disputes that everlastingly arise respecting total losses, as well as averages, as set forth in the *note* below.

LLOYD'S.

8. "Lloyd's Coffee-house" has been celebrated as the centre of British commercial intelligence during the greater part of a century, not only in our own dominions, but every where else. The large sums annually placed at the disposal of *the committee*, (namely, £30,000,) and most liberally laid out in procuring information, or suffered to accumulate in their hands, would have effected this, even although the number of the subscribers, and the great riches, and respectability of the majority, were unknown.

A vast number of agents, placed at every port in the world frequented by our shipping, contributed to spread far and wide this deference for the name. Out of their accumulations, they were enabled to be

tator on Suetonius (*in Vit. Claudii*;) that the practice was coeval nearly with our era, is not borne out by the text. Again, the ancient sea-laws of Rhodes were silent on this matter; 2nd. Those of Oleron, in 1194, do not speak of assurance, but *retaliation for piracies* (or reprisals;) and 3rd. The subsequent laws of Wisbuy said nothing whatever upon the subject. The *first* were confined to the Mediterranean, the *third* related to the Baltic and coasts of Germany, and the *second*, to all Europe besides, England, France, Spain, &c. Guicciardini's Account of Antwerp. Gibbon's History, *passim*. Godolphin on the Admiralty Jurisdiction.

- ▲ munificent, when the exertions of our naval defenders rendered commerce secure, and lessened the risque upon our foreign adventures. Hence the immense naval subscriptions which were set on foot there, and during the recent war, amounted to an almost incredible sum, for the relief of foreign sufferers as well as our own. But a good proportion of the men at Lloyd's, are not so rich; all the insurance-brokers are subscribers towards its funds, nearly all of them underwrite on their own account, and a considerable number annually become defaulters,* much in the same proportion as any other Traders.

Although at Lloyd's Coffee-house, the chief bulk of insurances upon ships and cargoes are effected, this does not prevent individuals *out of that house*, from writing their names to policies. This, at Lloyd's, is technically called "going about," and the rumour that policies are "handing round," which is seldom done when they can be filled up among the subscribers there, induces many of those "subscribers" to scan the characters and credit of the persons whose names are so obtained. The insured, too, ask their brokers respecting the stability of the names "written for," and inquiries are made at the bill-brokers, notaries, and scandal-mongers, generally, as well as bankers, how the said underwriters "stand?" Hereupon the policy is produced, with some names—say eight or ten out of a

* In the petition presented to the king by "the gentlemen meeting over the west end of the Royal Exchange," in 1720, they aver as one reason for granting their charter, that 150 underwriters had become bankrupt within a very short time.

hundred or more, that have been *noted* by a pencil-mark ; and inquiry once set a-foot, goes to every little particular respecting the ill-advised Tradesmen who have been thus induced, at the mere representations of a " broker," probably, to obtain a premium of two or three, seldom above six per cent. upon the sum *written for* ; and this sum, too, seldom reaching to above two hundred pounds at any one time.

A draper or a warehouseman, a silversmith or a stationer, who may have *written* but for one hundred, will consequently be found guilty by the *inquirers and others* of some minor crime or other, that seems to bear (and only *seems*) upon the affair : thus, the *first* is said to have sold short measure ; the *second* boggles at settling with his consignors ; the *third* man (it is reported) once refused *the Bank* to take up the acceptance of a defaulter, only because the bill was not yet due ; and the *fourth*, (they say) sold his paper by one sample, and delivered it by another. Notwithstanding these are four species of keenness, all of which the scrutinizers themselves possibly would not hesitate a moment to commit, any day of their lives, still they are adduced against the parties under-writing *out of doors*, and their commercial characters suffer severely in consequence.

Wherefore, Tradesmen who stand *tolerably fair* in the eyes of the world, should not venture upon this description of gambling speculation ; since they cannot honestly "*write*," (as the phrase is) for more than they are worth, and the duty they owe to their families forbids them going *so far*, it can scarcely be worth the while of any such man to bar-

ter, for a thousand pounds a year of *business*, in this way, his fair fame among commercial men of his own particular branch of Trade. Surely not: those inquiries being ever afloat respecting his character, whether he be a *good man*, or not, more particularly at the commencement of his career, keeps his credit upon an everlasting simmer, if not in "*hot water*," until it is completely ruined.

And yet we have known, and daily see, men with the bare means of subsistence, who have gone into Lloyd's Coffee-house, dashed at every thing, *wrote for any thing*, or any body, and come off with flying colours. A country-house and horses, a curricule and livery, take place in a short time, of the second-rate lodgings of a *Call-at-a-Coffee-House* merchant: the metamorphosis next extends to his commercial feelings, and he will look with disdain at a policy on which any one has yet written for less than £300; replacing, with an affected air, his pencil into its silver case, which he had drawn forth to write the important name that was intended to give security to ship and cargo! We adverted to men of this description at page 124.

Such men as these, or rather such *luck* as their's, may be classed among the rare occurrences that may excite our wonder, but ought not to induce imitation; any more than the leaping of one adventurer safe across a yawning gulph, should encourage his less reckless neighbour to tempt the same fearful abyss, though bliss resided on the other shore.

We will here relate a version of a story, not the worse for being old, which we have heard in various shapes. A needy adventurer at Lloyd's, whose rule

had been to refuse no risque, however dangerous, or unworthy, until he had filled his coffers, having a policy laid before him one day, of no very tempting aspect, declined to put his name to it. Hereupon, the broker, whose business it was to hand it about, expressed his surprise, saying—"You were not wont to be so cautious formerly." "No," replied the Lloyd's-man, "at that time I only *underwrote*, now I *insure*."

Standing at the door of Batson's lately, one of those acquaintances who constantly ear-wig us, exclaimed—"See! One of the lucky dogs at Lloyd's! Did you see him? That is one of the people that have lately got forward in the world, the Lord knows how!" and then he went into a history of the transactions of *that* house, of which the following is a brief but luminous sketch; and we insert it the more readily because we feel, that notwithstanding all the warnings we shall give, many of our readers will still be wild enough to "try their luck," or, in other words, to *write* a few hundreds occasionally, be the consequences what they may.

9. The subscribers *names* to Lloyd's amount to eleven or twelve thousand,* each paying upon admission, the sum of twenty-five pounds, and four guineas a year, constantly paid in advance; making a yearly sum-total of such amount as would alarm many a foreign potentate, at seeing so formidable a *body* in the very heart of his empire. Hence accu-

* So says a correspondent in the New Monthly Magazine, October 1817: if the number is overstated, *the lovers of truth*, should have set the matter to rights.

mulate the large funds remaining in hand, after paying the expenses of the establishment; which consist in obtaining intelligence from the principal ports in the world, (with the exception of the East India Company's possessions*) at all which they have agents or correspondents established. A committee of nine, (one of whom is chairman) manage the pecuniary affairs of the house, and open the letters. Here their duty and their labours terminate; for neither they, or the subscribers at large, *act as a body*, any more than do the inhabitants of Westminster assembled in *their* hall.

The servants are under the immediate controul of the committee. The *coffee-house* keeper being called "*the Master.*" A large table-book is provided, to receive every morning the outlines of their *port letters*, as they are called, which is exposed to the inspection of all comers, in the open coffee-room; that which is appropriated to their business, being strictly kept apart, excluding non-subscribers. More detailed parts of their correspondence get abroad a day or two after coming to hand; in the meantime the information thus afforded, belongs alone to the subscribers. And here is their manifest advantage; priority of information being the life and spirit of commercial speculations.

Intelligence thus obtained is given in the newspapers, with some such prelude as this, "The agent for Lloyd's at Liverpool, states that the packet which upset," &c. Again, "From Lloyd's books this morning, we are enabled to contradict," &c.—"We give this as rumour only; no such information hav-

* The Company are their own insurers.

ing reached Lloyd's." So much* importance is attached, not only to such intelligence as their agents do communicate, but even their *silence* upon any subject throws a shade of discredit over the information derived from other sources. For instance, the affirmative oath of an American captain, against the negative silence of an agent for Lloyd's, would have the same effect, and obtain the same proportion of credit, as a drop of poison cast into the main ocean would have in contaminating that body. Those agents are for the most part, merchants of the first class, or very intelligent experienced persons of the second.

10. As the "business" of an underwriter, individually, depends mainly on the good opinion entertained of his *stability*, by the insurer, much ostentation is displayed by those who stand most in need of such good opinion. Accordingly, whenever any proposals are set a-foot on the boards at Lloyd's which may call forth a display of their liberality and carelessness of thousands, those who stand most in need of a good character, actually give away hundreds, and outstrip in ostentation the more substantial merchants who have no occasion to purchase character in that way. The subject matter upon which this

* Until lately, slips of paper were used to *underwrite* upon, previously to making out the policy; and this was carried so far, that some vessels made their voyages upon no other security than those *slips*. The slips are now, however, subjected to penalties of £500 each; but the keenness of the Lloyd's-men has substituted in their stead the practice of putting their names to policies *in pencil*, to be afterwards "inked in."

display is made, is not at all material ; be it the demise of a king, or the non-arrival of a courier, those men, will take a guinea to give a hundred upon the event over and over again ; or they will more beneficially, as we have recently seen, subscribe largely towards succouring the Portuguese, whose lands have been devastated by our own troops, or the German sufferers by French usurpation, the heroes of Waterloo and those of Moscow. This is the key to, and solves the problem of those immense subscriptions, which for a long time astonished almost every one, and filled the receivers with thanks* (and questionable gratitude †) towards the benevolent foreign nation, which could thus stretch out a powerful helping hand for the alleviation of their distresses. We who were in the secret, were at no loss for the *motives* to giving in many subscribers, which gave the *impetus* to all around them : it was, as the ingenious foreigner just quoted in the margin, states, through an ostentatious desire to appear great among their neighbours. To be backward upon such an occasion, would be nearly equal to giving up *business* altogether. What, for instance, could interest old T——, who, during a long life never gave a shilling, perhaps, to *individual* distress ? What induced a worthy Alderman, who had been recently hit so hard by the seizures in the Baltic ?—(a hit which he never recovered.) And, although no one ever doubt-

* See Ackerman's Account of the Battle of Leipsic—*Preface* to third edition, or later.

† See also, " Observations of Oloff Napea on the Manners and Customs of England," Svo. pages 125-6.

ed the generosity of Mr. A. (or his father before him)—whose splendid mayoralty still lives in our memories, yet we may be allowed to draw our own conclusions as to *his motive* for giving a sum of money, which, under his then circumstances, was much larger than he could possibly have had at *his own* disposal, to apply to any *advantageous* scheme or plan, should such an one have presented itself.*

Although the bulk of the subscribers to Lloyd's are merchants, traders, &c. of the city of London, yet great numbers belong to the out-ports, as Bristol, Liverpool, Falmouth, Leith, Dublin, &c. together with some naturalised foreigners. The mode of introduction is, by means of proposition and ballot; the proposer undertaking very little more than to announce the candidate, as a proper person to be admitted. Our readers will hence conclude, that in so large a number of persons, among whom are the richest, most intelligent, and most honourable trading men of this great metropolis, and of the kingdom, some have crept in, whose characters do not stand so high in the commercial, moral, or intellectual world, as they ought to do.

Men without property, we have already stated,

* Exactly with the same view of obtaining publicity, and the *clat* of generosity, Messrs. Cooper and Co. *Quack doctors*, offered their subscription to the Waterloo Committee; but the Lloyd's men were aware of the *motive*, and sent back the money. They were not so much on the alert, on the Trafalgar subscription, when the name of "J. White, Esq. author of the life of Lord Nelson"—£5. was received and *advertised*, to the great advantage of the actual donor, a printer in Ivy-lane.

contrive to get introduced, who will *write* for every kind of risque that may offer itself to their cupidity, either alien, belligerent, se-belligerent, or contraband of peace, as of war.* What signifies it to such characters, that they embroil nations, or involve the government in disputes with foreign powers, to further their own private views? This was seriously attempted to be done in the Autumn of 1817; and a deputation waited on the Lords of the Treasury with a memorial, in which they asked for reclamations to be made of property condemned as lawful prize, for which the whole of the deputation had individually pocketed extra premiums, as the price of extra risque.†

* Upon the like principle, contraband goods may be purchased in France, and smuggled into England by an agent, who requires 10 per cent. for freight and all risques, to be paid upon delivery, at Dover, Deal, Brighton, &c. They act with equal *honour* on both sides of the water: for the like insurances may be effected here.

† The simple facts are these following; and the newspapers of the day, who are *favoured* with early intelligence from the *House*, made a pretty "kettle of fish story" of it: some of the class just spoken of, having underwritten to the amount of a million and a half, on foreign bottoms, belligerent of the Algerine flag, applied to our government to obtain restitution of the prizes so made, although they themselves had fixed the extra premium, which was deemed equivalent, according to their own judgment, to cover the extra risque. See the same subject treated in the *New Monthly Magazine*, October, 1817.

Those men must have been *stupid* indeed (a very grave charge at Lloyd's, where each man is, in his own estimation, the cleverest fellow "on the books.") They must be stupid, we repeat, who could for one moment imagine, that government would lend an ear to such a statement, much less that it would interfere, and pledge the national faith, between them and their losses. Such flimsy

AGENCY: BILL BROKERS.

11. In point of time, probably, if not of importance, the brokers who made bagains for discounting bills of exchange between the merchants and capitalists, deserved attention prior to the insurance, or the ship-brokers, who are, in many instances, the same persons; inasmuch as the *practice* of exchange is coeval with the institution of the brokerage of goods, and until lately the agents for both these were, in like manner, the same identical persons. And it was natural enough, that they who had disposed of the goods for bills, should procure cash for those bills, in order that their principals (mostly foreigners, *idemq.* p. 249) might go to market immediately, and purchase return cargoes, the mode of *sheer* barter having ceased for centuries. Some of them, however, carried off *the cash* itself, contrary to the statutes of Henry VIII. Elizabeth, and James I.* This was

representations could not fail to expose the baseness of the attempt, and we imagine it would be well for them if they got off with a *reprimand* only for their temerity. But probably, the ministry permitted that hopeful deputation to depart without even so much as a rebuke, not caring to quarrel with "the gentlemen of Lloyd's;" mistakenly supposing, that every such deputation from *the House* is sanctioned by the whole *as a body*; whereas "Lloyd's" is no *body* at all.

* The earliest act of parliament (18 Henry VI. cap. 3.) on this subject enacts, "That merchant-aliens shall *bestow all their monies* upon other merchandise of the realm." All the subsequent restrictive statutes and orders of council seem to have taken the same mistaken view of Exchanges.

the course of exchanges in the infancy of commerce,* or rather, when arriving at manhood, it begat the more facile mode of disposing of large investments for bills, *to be* exchanged by the brokers for cash, by the help of those goldsmiths who held *deposits* in their hands,† and were therefore termed *banquiers* by the French.

Merchants who received the consignments, and procured return cargoes for persons abroad, facilitated their transactions by the same means; and the bills for two months, or goods intended for sale (by public *vendue*) within *three* months, were pledged at the "GREAT PAWN, in Lombard Street;" the

* That is a mistake in the term, and contrary to facts, which assigns to the period of the latter crusade, the *revival* of commerce. The Tyrian trade was trivial in reality, being exaggerated by comparisons; the fleets at Mycale, and of the Carthaginian war, were the congregated ships of the whole known world; their numbers increased by reports, and their size by fable. In their most distant voyages (to the *Cassiterides*;) the Phœnicians employed vessels considerably under a hundred tons; for at the entrance of their favourite trading port, we have found a rocky bottom at twenty-two feet, high water; and what is more, the Greek and other historians, always talk of their vessels 'lying on the shore.' (Vide Sanchoniatho, &c.) "The empire of the sea," (Strabo, book 14,) which could be possessed by such an island as Chios, (Stanchio,) must have been very limited indeed. The Romans had no Trade to 'revive;' and in the zenith of its power, their General, intent on the conquest of Britain, describes the contrivances he used to transport a few troops with instructive minuteness.

† So clearly was this the case, that the Italian historian, in his account of the Trade of Antwerp, at the middle of the sixteenth century, says, "the merchandise was sold on the English bourse in the morning for an hour; in the afternoon, on the Great Exchange, the merchants received loans or deposits for their bills."

first *in full* (less by discount), the latter, according to the state of the markets, but never at above two-thirds of their value. This was the origin of pawning as a trade; though all advances upon property, whether much or little, are equally pawns, notwithstanding, as applied to lands, we agree to call the transactions mortgages: banking had the same beginning; and the Bank of England, at its first incorporation, took care not to be misunderstood upon this subject, see p. 231. But it was not until the *interregnum* of Oliver Cromwell, that banking settled into a system, and much later, that it assumed its present form. Still, no brokers devoted themselves to bill transactions separately, as we see at the present day:* it is only when any particular trade or occupation expands into importance, or becomes intricate in its relations, that it forms a new branch, and causes the uninformed to wonder at the distinction.

12. Accordingly, twenty-eight years ago, this calling was considered in a very different light to what it assumed at a later period. When money lay useless at the bankers, or in the chests of large capitalists, not an exchequer bill, and scarcely an India-

* We look upon the loan book of the Bank of England, and the advance of Exchequer bills, noticed at page 231, as no other than *great pawns*: as were the private advances to Saunderson and others, by Mr. Pitt, and since then by Mr. Dundas, from thirty to twenty years ago. In France, the business of a pawn-broker for small sums, is a national concern, and is called *Monte de Piete*: in England, individuals exercise the same Trade at four times the charge, and deal in bills of Exchange, as do Refiners or Goldsmiths.

bond in the market to absorb a shilling of the floating capital, while the sinking fund was steadily realising the promises of its founder, money, (as money) *went a begging*.* Then it was, that monied people solicited Tradesmen's bills for discounts; and the bill-brokers received a premium for bringing these to their employers.

But the natural operations of a state of hostility, and the partisan spirit of the times, effected a total alteration in the condition of the funds, and that of the money-market. Up to that period, we ourselves have discounted very largely the bills upon London, of a remote manufacturing district, at the rate of three per cent. per annum. So great was the glut of money there, and then, as well as elsewhere, that we knew of some gentlemen engaged in banking concerns in the same town, who had an understanding with each other to discount nothing under four per cent., yet clandestinely supply Tradesmen in the town with large sums to buy bills of manufacturers at a much lower rate.

Soon, however, the change began to take place, that raised into second-rate bankers, the bill-brokers, and speculators, together with other symptomatic symptoms of declining Trade. For, whenever it

* Exchequer bills were never so desirable at any period as at present; arising no doubt from the manner in which they have been managed; and they are now sought after with avidity, notwithstanding their daily interest is reduced from 4d. to 2d., as good and safe *deposits*; and would be so, were the interest less, and the number a great many more: the market ought never to be without Exchequer bills, though the minister requires no *supply*.

happens in the house of a Trader, that the financial department of it requires adventitious aid to conduct its intricate cash arrangements, it is a certain presage of difficulties existing on that tender point: so, in the commercial relations of a larger community, the employment of bill-brokers may be considered excrescences, or as a species of nodes on the surface, which denote the weakness and disorder that exist within. Not that it can be denied, the bill-brokers effect much good, in finding employment for idle or floating capital, contributing their aid in directing it into those channels where it may be safely and beneficially employed; but that they should be required *at all*, equally proves the degree of general embarrassment that prevails at the period, as they are more actively engaged, or otherwise.

Like all other agency businesses, this one is carried on by two different degrees of professors; 1st. The more honourable, of whom we now speak; 2nd. The less worthy, or disreputable, to be introduced at the last. It is to the first-mentioned we have referred our Tradesman who may have bills to bring into cash, which from their great length, or other cause, offer much difficulty in the transaction. As connected with this subject, the reader may turn to pages 47, 48, 61, 68-70, 213, 226-228, and read them with profit.

According to the quality of the bills, will be the commission of the broker; those of bankers and first-rate merchants, at or within two months, are done at a commission of *an eighth*, or half-a-crown *per cent.* over and above the legal interest. But very good paper, this July 1819, is commonly done at

four per cent., or a fraction more, as the bargain can be struck ; the bill-broker, as usual, endeavouring to obtain a commission from both parties. The paper of other merchants and Tradesmen is done at five shillings commission ; and the difference is accounted for, probably, by the additional trouble that is occasioned in making inquiries respecting the stability of persons whose commercial characters are less readily ascertained. However, the *latter* supposition is perfectly gratuitous on our part, as we firmly believe not one among the bill-brokers can so reasonably account for the alleged difference in their commission upon such bills. See page 68.

So far the bill-brokers are secure from a charge of usury, as we view the matter ; although we must add, the latter sum has never been *legally* allowed, (because it has not come into legal discussion,) reasonable though it be. But, when the difficulties of ascertaining the goodness of a lot of bills of *long dates* are considered ; that the *discount*er has to put the broker in possession of arguments enough to convince his principal, that the acceptors are good for such a great length of time, as well as that the bills are for *bonâ fide* sales, according to the use or custom of the *particular Trade* from whence they emanate ; for which purpose he must have recourse to the books of the *discount*er, perhaps, to satisfy enquiries upon the matter of fact, &c. &c. we honestly and fairly insist that ten, fifteen, or even twenty shillings per cent. according to those circumstances, is not too great a remuneration for the broker's *additional* trouble. For he may reasonably plead, that he might have transacted twice, three times, or four times as

much business in the same space of time, with bills of sixty days, *odd*, or discountable time. Here our notice of the reputable part of the calling ends.

13. From these, there are gradations downwards of every hue, until we arrive at the lowest step of *agency in procuring money* for bills, in such a way as to savour much of the rankest cheatery that takes place in the commerce of this city. This part of our task we thought proper to treat of principally under the head of "Unsuccessful Tradesmen," (to which we refer the reader) and to whose undoing the lower species of jobbers in bills mainly contribute. Another class of such agents have been denominated "useful men," whose practices are described in sections 23 and 26, Chap. 3. These will get a bill discounted, as they say, "at very little loss," and sell, for ready money, the goods that are foisted off, in the manner we have elsewhere described, in the most ruinous manner the head of man can devise, or the heart of a fiend execute. Consult pages 189-192, 213, &c.

Some few of them *advertise* for bills to discount, (while others trust to *notoriety*) who have not a shilling of their own, professing themselves agents to some unknown invisible personage, to whom they require to present your bills for approval; but it has happened that you never see those bills again, unless it be in the shape of an action at law to recover the amount.

In this way, a low, beggarly fellow of the name of Newgent, some years ago, pompously announced the immense sums he held ready to discount good bills;

but one of his accomplices and neighbours, a draper in Great Surrey Street, having detained a bill belonging to young Sofat, of Clerkenwell Close, under the usual pretence that he had a lien upon it, this one gave the detainor a severe beating, and the publicity of an action at law exposed the cheat, so that Newgent was driven to other courses. For contriving a fraudulent bankruptcy of two boy-tradesmen, he was pilloried about the year 1812, in Guildhall-yard, and now rots about the streets of town, without the least appearance of a man who once had dealings with Pluto. A great number of Newgents pervade the world of commerce, not only in the metropolis, but *elsewhere*, as the reader may see in the newspapers, under the heads "MONEY," "DISCOUNT," and "CASH to be disposed of:" and he who has leisure and curiosity, may discover the secret by opening a fictitious negotiation with A. B. C., who transact business "with *honour* and *secrecy*," some of them even with "*delicacy*," if they could be believed.

STOCK-JOBING.

14. Similar to the insurance-brokers do those of the *Alley*, as they are still called,* induce the mere Trader to *do business* in this particular line, in order that they themselves, to say the least of it, may pocket the *commission* upon each transaction in the transfer of stock, *real* or *imaginary*. Stock-brokers, whether of the *Rotunda*, or of the *Stock Exchange*,

* Originally, the Stock Exchange, or place of meeting, was at Jonathan's Coffee House, 'Change Alley, to which it gave name.

are all engaged in making bargains on their own account, which they term *jobbing*; and in this way they practise a good portion of deceit and cunning, not only towards each other, but even their immediate employers.* Indeed, all who attempt to cajole, to cheat, or deceive, upon the Stock Exchange, unless of the chosen number, are scouted, circumvented, and prosecuted.† In the Rotunda, the same intruders must be well versed in *the science* of boxing, as well as of calculations, to make any figure there.‡

But it is with the actual Trader we have now to treat of the danger that attends a practical intimacy

* The earliest case upon the law books is that of Dunbar, in Chancery, Michaelmas, 1761; ordered by *certiorari* to be tried in the King's Bench, but was previously compromised, by the kind mediation of some *gentlemen on 'Change*. In 1797, two other actions for the penalties inflicted by law were sued for, but only one came to a hearing, and neither was finally decided.

† Lord Cochrane, and some others, *out of the pale*, tried one of those usual methods called *hoax*, in 1814; but were treated indignantly, and prosecuted to conviction by the gentlemen on 'Change.

‡ Altogether there may be four hundred and fifty sworn brokers of stock, nearly all of whom are members of the Stock Exchange; a good number of reputed stock-brokers practise in the Rotunda without licences, and consequently without being sworn, or giving bonds, or paying the tax upon brokers. They gave the origin to this Trade, or rather took their rise, with the first pecuniary distresses of the country, just before the year 1697, when the first act of parliament passed for restricting their number to one hundred, and for restraining their practices within proper bounds, (9th William III. cap. 32.) Both, however, have increased, and changed, and become worse; though several subsequent statutes laid them under penalties, these have produced only more wariness, and fresh tricks.

with such misdoings, after he has re-perused pages 123 and 124.*

15. Jobbing in the funds, is the most alluring and deceitful of the whole series of out-of-the-way adventures which we shall have to notice, and to caution our readers from intermeddling with, in early life most particularly. Even *good luck*, a term not consistent with the real interests of Trade, plausibly contributes to lead the Tradesman astray more surely to his ruin. A *lucky hit*, allowing that such has been made (which is allowing a great deal too much) unsettles the Tradesman of regular habits from his shop or counting-house; so that the gain thus made, unless it be a very large sum, is scarcely an advantage. And in this case, he cannot look round and view the silent accumulation of pence and shillings, as compared with the bustle of a *settling-day* on 'Change, and the glitter of hundreds won at a single stroke of the pen, without its leaving disrespectful impressions as to the former. He would do well to recollect the Yorkshire proverb: "'Tis the silent sow sucks all the broth." It is the shop, with its steady march of silent prosperity, that is the surest road to

* A very amusing and instructive treatise on jobbing in the funds, exposing the mode of doing business in them, and elucidating the arts practised by brokers and jobbers, was published some thirty years ago, by Mr. Mortimer, entitled "Every Man his own Broker;" and although the terms used, and the tricks exposed, are much altered since that time, it must prove a very useful and entertaining book for all dabblers at the Rotunda, and an antidote to jobbing at either place.

ease and a competency : it is *the shop* that enabled him to appear “ *among them* ” in the first instance ; and if the *rescounters* had been on the other side, it is the shop and the credit resulting from it, that must have put him in a condition to appear there again. He must be possessed of no philosophy, and have but little of human reflection, if he be not impressed with the truth, that something besides his foresight, has saved him from the pain of relying on that shop for a crust of bread and cheese. Chance does more for many men than their own præcognition, or insight concerning these things.

If such be the effects of a *lucky hit*, what will be his situation when the difficulties of the public purse, (*the Exchequer*,) depresses the stocks, whilst he is (*a bull*,) looking upwards for a rising market ! Embarrassment and chagrin, and the consequent falling off of *Trade* at his shop, together with the thunder-sowl of his wife’s eye, meeting his own moroseness ! Such are the first fruits of a bad bargain in *the market*, whether that be on the “ Stock Exchange,” or the “ Rotunda ” of the Bank of England : that Rotunda which has been nick-named “ Botany Bay,” by the “ *DONS* over the way ; ” so malignant are the efforts of all monopolists in branding others with degrading epithets.

The climax of misery to the unlucky adventurer, is that, where, having used his best, though feeble, endeavours to produce despondency, and consequent depression in the price of stocks, by raising lies of his own, or maintaining those of others, concerning national evils and public calamities : famine, and the defeat of our brave defenders, are glorious

articles of intelligence towards realizing his fortune, at the next opening, when he has engaged to sell as many thousands, perhaps, as he ever possessed *units*. He broods over these, and other such misintelligence, and gives to their details the blackest hue his imagination can hatch up; and when at length the hour for *business* returns, he approaches the scene of action with a soul lost to all the finer feelings of man. Disappointed in his airy predictions, that an insurrection is broken out at home, or some new foe has declared himself abroad, his heart sinks within him at the saddening buz of good news; unless it is revived by the cheering intelligence that *typhus* is unmanning the fleet, or yellow fever is likely to leave ungarrisoned the Rock of Gibraltar.

It is thus we see drowning people catch at straws: all his *bear's* tricks fail, (for he is one that thus enacts,) and he too waddles out a lame duck; for there are ducks at "Botany Bay," as well as among the better bred gamblers "over the way."

The clouds of darkness which the BEAR had been for weeks brooding upon in his mind, being dissipated by the light gales of truth, he hears of good news, of happiness, of reviving commerce, and of better days, with horror. At this point, then, let our Tradesman shake off, with the gloominess that attends his first misfortune, the desire to return to the "Alley;" and let him go back to the more quiet, peaceful, and certain track of a shop-keeper's pursuits, counting his slow but certain gains; the sure fruits of industrious habits, of early application, and undivided attention to his own proper business.

16. But during the career of life, occasions present themselves when a Tradesman may make a neat round sum with honour; an opportunity not to be lightly passed over by a man attentive to his own interests. This happens during a war, when the Chancellor of the Exchequer, for the time being, negotiates a loan in the city. A man's great readiness to supply the necessities of the state too, marks his attachment to *the things that be*; and if his political notions tend that way, he cannot better shew it, than by thus lending surplus money to support the measures of the existing administration. In order to do this more effectually, and obtain the greatest advantage, his name might be introduced upon one of the *lists* which are exhibited upon those occasions, and sometimes printed; and, that he may appear still more respectably to support *the cause* with a good round sum, let him get a number of confidential friends to join in subscribing to a minor list of his own, whereby he may obtain a larger *slice* of the loan.

Whatever fate attends the loan, whether the biddings of him at the head of our Tradesman's list are accepted or not, a small *slice* may always be got by speaking to his banker, or some friend who banks at the same house as the actual contractor. But in this latter case, a small premium is demanded; and immediately upon the whole being engaged for, the premium on the *omnium** is certain to advance more

* Omnium, meaning *all, whole, altogether*, was so called it should seem, from the lumping together *all* the *parts* of the bargain, which consists of many, (as 3 per cents, long annuities, and

or less. Exchequer bills are always desirable security to hold with surplus capital, and when the *grant* is heavy, they are usually issued with a bonus upon them.

But, after all, the tendency of this single deviation from the golden rule “never to speculate out of one’s proper sphere of business,” upon the mind of man, is most likely to lead the adventurer into those other more dangerous courses, against which we have thought it a part of our duty to inveigh in the preceding pages: we think it no less so, that we should thus point out how a sum, equal to the increased taxation consequent upon a new war, might be safely, honourably, and laudably obtained. He is to judge of his own fortitude, whether he can trust himself so far, and no farther, who is now in search of information: if he cannot take advantage of the stream of events and occurrences, and while gliding down its course, disregard the bubbles that play upon its surface, incestuous with the ruder air,—he had better hesitate to the end of his days, whether he should venture into the current, or trudge the muddy shore of mediocrity.

17. Among the brokers of the Rotunda, perfectly ludicrous is the sight of many a wayward hair-dresser, small coal man, milk-man, and huckster, here offering himself to transact the money business

the balance in 5 per cents, upon which the biddings are made)—into one *bonus*, being a few shillings per cent. above every £100 money advanced, and thus constitute the omnium, or whole gain.

of others, or jobbing with his own, without being brokers. He who formerly scraped my chin, as well as he who marked his chalky journal against my kitchen door, is here metamorphosed into a chafferer for thousands ; or he is the scraper together of small amounts, or what is better, the dispenser of little sums to little buyers ; which kind of business is here appropriately enough termed “ milk-scores.” See our account of four milk-men, at page 122, *Note*.

Nor can such people do very wrong, if only tolerably circumspect, taking advantage of *the turn* in the market, and *actually* selling their own stock, or buying and selling that of *others* ; while keeping a few hundreds to play with, and steering clear of the *mere speck*, they are sure to “ pick up a crust,” if not a bottle of wine into the bargain. There cannot be a more pleasant manner of occupying his time, than for a person with a small capital employing it and himself, in purchasing and selling small sums actually upon the spot, always taking the turn of the market, and transacting his own business.

The *speck*, or speculation, to which we allude, consists in engaging to deliver certain stock, or an equivalent for it (usually a large nominal sum) on a certain day, at a given price ; but which stock the party is known never to have possessed, and it is therefore called a *time* bargain, against which the law has provided a remedy by way of penalty. Upon the coming about of the day, which is generally the *opening* of the books, should stock be higher, the speculator who engages to sell, not having the stock to deliver, will have to pay the difference between the actual price and that of the bargain, which con-

stitutes his loss, and frequently his ruin—according to the amount, and his means of meeting the misfortune. He who cannot make good this deficit, but takes advantage of the law, to elude payment, is hunted forth, and is nick-named “a *lame duck* :” the act of going out, is called *waddling*.

Two men may, without impropriety, as to ability, thus bargain for a hundred thousand pounds, whose joint property amounts to less than one thousand, upon *the speck* that things may move up or down, a half per cent. The seller than becomes a *bear*, the buyer is a *bull*, as we before described ; and they may be so termed even although the former have the real stock ready to *deliver*, and the latter is prepared to *take* it in. Little fear, however, need be entertained of him, who is to take upon a *rising market*, this, or any commodity whatever: when the real stock is offered, he who is to receive it, if incapable of taking so much, soon gets a third person who has the money at command. Sometimes bargains are made with a *condition* for one party to be at liberty to *put back*, or for the other to *take back*, at a given sum, usually a difference of 5s. per cent, which reduces a bargain for £1000, to a wager of fifty shillings, contingently. Others go *their whole length*. As to the actual delivery of stock, notoriety told us in May, 1818, of a lucky bear, (a banker) who transferred a million and half of stock into the name of his broker, on the eve of *settling day*, in order to his making actual tenders of the stock to the purchasers of that amount, when *things* were down $2\frac{1}{8}$ a $\frac{3}{8}$. But such a circumstance seldom occurs ; *urgains* for the same amount may be made by a couple

of beggars, comparatively speaking; for, when men are writing ideal sums, a million is as soon set down as a thousand; but the case is not so with real money.

18. A jobber, be it remembered, who is not at the same time a broker, has always $\frac{1}{8}$ against him at every transaction, whether he plays with real stock, or nominal. At buying, the broker takes care his principal shall be worsted of $\frac{1}{8}$ of what stock is generally selling for, at that moment, even although he be present at the bargain; for other brokers, take the hint that he wants an eighth for himself when he shows them the purchaser. His brokerage being another eighth, and "the turn" always taken at the re-sale, being a third eighth of a pound, brings the broker seven shillings and sixpence per cent. whether the adventurer be on the right or wrong side the post. We have observed, that when brokers cannot make themselves understood as to the first eighth, one here and there is content with halving it, and the better to make himself comprehended, places his two fore-fingers across, whereby they go *snacks*, or share 1s. 3d. *per cent.* each.

With these things in view, old *Brusher* observed to one of his pupils, "Better to work with other people's money than your own. Do you bring any money into this place, young man? If you do, use it but seldom; if you brought *none*, you might *dash out* a little; in fact, no matter how much. I did thus myself *over the way*, and because I left them when I had won a good sum, they considered me *shabby*. Let them: *They* call me *shabby fellow*! I know them to be such."

In bringing to a close this head of our exposition, we must next advert to another species of gambling speculation, which has been carried on at intervals, upon the same boards, as those we have already described in this chapter, as well as the area of the Royal Exchange; and, after giving a slight historical sketch of these, we mean to return to other brokers, or agents, who live by transferring the personal property of others.

SCHEMES, BUBBLES, &c.

19. More than once we have taken occasion to advert to those gambling schemes and schemers which way-lay every Tradesman, and a few years ago stalked about town in great abundance, dazzling by their pretensions the gullibility of the unwary. The major part, however, proceeded no farther than paper would carry them, when the impositions were detected, and the money which had been deposited to nurse the bantling, was *sacked* by the projectors; others went a little further, and intrapped greater numbers, and obtained payment of more instalments, when the fallaciousness of the undertaking became demonstrable, and the *bubble* burst:—whence the name.

The *mania* was not peculiar to the year 1806, and following; a history of those other, and grand ones, which preceded it, is upon record.* All were pro-

* Properly speaking, there have been five epochs of projects and projectors, the earliest having been fostered by James I. by

duced, or mainly supported by the brokers, from the moment that stock-jobbing became a Trade; but it must not be denied, that out of some of those projecting periods came some of the proudest institutions of this city and country: the *third* produced the scheme of a *million* bank, afterwards the Bank of England; one of the *first* produced the art of driving ships by steam; to the *second* we owe "the diving-bell," and the casting of brass cannon; to the *fourth* we are indebted for river companies, fish, insurance salt, land and trading companies, in abundance; while the *fifth* epocha must be in the recollection of every one, as well as the mode, or the tricks, by which those in the secret contrived invariably to get rid of their *shares* at a premium, before the bubbles burst; or to retain the *management*, and with it the patronage of all such as were dragged on towards completion. The Strand Bridge was of this latter description; and its arches bid fair to bury every soul of their first supporters, before it pays a profit of *one per cent*: but, although the public benefits derived from this

letters patent innumerable, for inconsistent and conflicting schemes with few exceptions (one of which was, that 'to Messrs. D. Ramsay and J. Wildgosse for propelling ships by *horse* power,' now *steam*, vide Rymer's *Fœdera*, vol. 17, p. 121). The *second* period received the patronage of his grandson, the Duke of Cumberland, Prince Rupert; and related mostly to mechanics: the *third* epoch, lasted from 1695, to 1698: the *fourth*, or that of the South-Sea bubbles, took place in the year 1720, which saw it rise and burst; as this was the shortest in duration, so was it the most prolific in number, (81 altogether) consisting of the most absurd medley, that has been offered to the cupidity of the lovers of rapid gain: the *fifth* arose in 1805-6, and lasted almost to the day on which we write.

bridge, from those above, or that below it, as well as a great number of those other undertakings, cannot for a moment be controverted, this consideration is a very insufficient reason, why *prudent* individuals should involve themselves and their families in difficulties, as many have done, to day, for a remote public good, that may never be achieved, or perhaps die to-morrow.*

20. But if, after all that has been said upon this subject, here and elsewhere, people will still adventure their money in wild schemes, let them not do it with precipitancy, (there lies the original sin), nor

* Before dismissing this part of our subject, it may not be useless, nor be deemed wholly irrelevant, to remark, that an abortive Cornish scheme of 1806, gave rise to one of the most humane national undertakings which has been set a-foot of late years: this is the stupendous pile of stones, called the *BREAKWATER*, in Plymouth Sound; which owes its origin to the bubble called the *Port-lleven harbour* company, a bay that is somewhere about 70 miles farther to the westward than the Plymouth Breakwater, and bearing the same aspect. By the way, *Port-lleven* is Cornish for the *crying-port*; derived no doubt, from the cries of the ship-wrecked sufferers, who were driven upon this bold shore, and clinging to its precipitous sides, called for help, or expired in agonies on the beach below.

If we assign periods to the town duperies, and they pass away for a time to re-appear again, not so of Cornish mine bubbles: they have constantly pervaded the metropolis for forty years at least, and all promise, but few realise the golden prospects, of abundant harvests. Latterly, the singular good fortune of a city Alderman, has won innumerable converts to this particular species of adventure; but without his previous local knowledge, two sets of adventurers, within our own view, have been cozened by the uncouth persuasions of a Cornish *captain* of mines, as to "ore being at grass shortly;" or the well-intentioned assurances of an honest town dupe.

purchase in a feverish expectation, that may be never realised ; but above all things, let the adventurers make conditions to be allowed an insight into the accounts, and a controul over the management of the *money*, and at proper intervals, a revision of *receipts* and *disbursements*. The want of this precaution—an absence of circumspection only,—has annihilated many a gallant good-looking plan of fortune-making, before its time was come. Therefore we repeat the injunction, “keep the controul out of bad hands:” it cannot reside in better than one’s own. For although the scheming effervescence now and then subsides, and we hear no more for some time of tunnell, brewery, newspaper, nor herring-catching companies : nor Hope, nor Eagle, nor Golden-lane allurè us to our undoing : nor “the Southwark,” “the Vauxhall,” or “the Gravesend” invite us to pass over to their help ; yet their redoubted authors live, and when they die,—for die they will, as sure as pretty scheme or schemer ever did die,—we shall have a new race spring up, like Cadmus’ soldiers, to replace the Browns and the Dodds and the Fortunes of the days gone by.

AGENTS OF THE SECOND CLASS.

21. Besides the brokers proper, those who perform *brokerage business*, in the transfer of property from hand to hand, upon *commission*, are numerous, and of various appellations. Some few are termed brokers who are not so in reality—as the ‘furniture broker’, the ‘piece broker’ ; the first of whom sells old household goods, the second deals in scraps of

woollen cloth ; the third and most numerous professed *brokers*, who are not broker's in reality, are the *Jew-brokers*, who deal in whatever comes to hand. But we take for granted, that all those are *brokers*, and none besides, who sell the goods of others upon a commission, technically termed *brokerage*. In various lines of business they assume various appellations, or particular distinctive names which are sometimes assumed by persons who deal most extensively on their own account only ; which is evidently a corruption, though not a sinister one.

The bare enumeration of those avocations is enough, as regards the greater number. We shall be more particular as to a few of them, after having made some final general remarks on this secondary class of agents.

FACTORS,—*doers*, as the name implies, are those who *do* the business of others, and the articles in which they are employed are enumerated at page 254, together with the Warehousemen, and Salesmen ; *being all for home produce*. By the way, among the latter are to be found several women ; probably the widows of deceased *salesmen*, who undertake to sell equally, fruit, fish, meat, poultry, cattle, *fresh-butter*, hay and straw.

22. The functions of this whole class agree in great measure throughout, and, as to a variety of particulars, their views and operations are substantially the same : 1st, in the active correspondence they maintain with their employers, principals, or consignors, all over the united kingdom ; 2nd, in the intimate acquaintance they are enabled to form of the

state of commerce, by being thus placed as it were upon the very pulsation of its main artery; 3rd, in the manner of receiving consignments, of every one his particular commodity, by the public conveyances peculiar to each; 4th, in the mode of taking their profits by a commission, *per centage*, or brokerage, upon the *amount* of goods sold* (— which is the distinguishing characteristic of the whole VI order); —5th, in the practice of making unwarrantable *incidental charges*, that with some of them most foully outstrip the regular commission; 6th, in almost universal delays in coming to the settlement of account of sales; and *lastly*, the resemblance holds good throughout nearly the entire second class of this order, in that the remainders or unsold part of the commodity at the end of the market—whether damaged or not, or merely *refused* as doubtful—is always submitted to a ruinous loss, or seems abandoned to destruction.

This final circumstance would not be so much to be regretted, if the evil terminated here; but, in all those lines of business in which the amounts of sales are indistinct, from the nature of the transactions, or are rendered so by reason of *contra-charges*, drawbacks, damages, allowances, &c. those refused and deteriorated articles are brought into, and reduce the

* Two exceptions occur to us, but which we cannot view without violent suspicion of double-dealing in some other part of the transaction: 1st, *dead meat* is charged invariably with a commission of one penny per stone (of 8lbs.) whether it produces 2s. 6d, or 8s.; and 2nd, *fruits*, packed in maunds of a bushel measure, are done by the salesman at 6d each, although the prices may and do vary from a guinea down to six-shillings.

average proceeds upon the whole. Let a grazier look into Smithfield of a Monday or Friday afternoon, and he will discover in what manner the last half-score sheep are sacrificed, or the final bullock or two, are *let go* :* a calico-printer might weep to see how the *clearing away* a residue of cotton goods, six feet high, is accomplished on a Saturday morning, when Mr. C——. makes his final offer *all at*, as they mistakenly term this sort of purchase, which is made in *the lump*, or more properly, *all for* a given sum total. Not unfrequently, this kind of sacrifice is made a bonus to some favoured person ; and then the deed becomes criminal, by reason of the preference, and it assumes the air of having been a premeditated and wilful, not a casual loss.

23. So notorious is the advantage, or desire, of delay in the adjustment of agency business, that scarcely a person employs one among the whole of this class, who does not stipulate against, or reckon upon, postponement of a final settlement. We have known a commission-house, standing very high, demand as a qualification for an *assistant warehouseman*, that he should be clever at making excuses on this score. The provincial manufacturer, upon coming to town on a sudden (thanks to our roads, and carriages, and cattle) may unravel the mystery of “slack markets,” and reports of “*goods being on hand*,” when probably the warehouse is empty, and the bills for these goods in course of payment. He should come

* It is remarkable that no receipts are given for cash paid here, or at our other markets for home produce.

without notice, nor turn his back without seeing the accounts made up: indeed, these should be always ready. But it is when the manufacturer, being somewhat crippled in his finances, is under the necessity of drawing *before-hand*, on his factor for accommodation, that the chiefest inroads are made upon his profits. Then it is, that the *incidental* charges, as extra portorage, carriage, warehouse-room, &c. are further enhanced by postages, interest of advance on drafts, discount on buyers' acceptances, coach to Lombard Street, and an item or two more of the same description. The necessitous manufacturer who is least able to bear those oppressions is most subject to them, and they do but multiply as his difficulties increase, nor quit him until the approach of his commercial catastrophe leaves him sinking under the accumulated evils of those ruinous drawbacks. Our picture may not be a good resemblance of the year 1819, but a just and cool portraiture of that in which the passage was first written, viz. 1813.

Without entering into details respecting the qualifications necessary for discharging the duties of a factor in each different species of Trade, to us it seems indisputable that that factor or agent is the properest person to be employed, and will secure to himself the greatest share of agency, who makes the *quickest returns* of sales. One man may be the best account-keeper, another may sell for the highest prices, and a third possess some other quality; but what signifies the *fairness* of his writing the accounts, if he does not make them up *early*, and remit, or apply the proceeds, as directed? The higher prices of the *second*, to say nothing of the distaste this might give

the buyers, would be inadequate compensation to the manufacturer or grower in the country, who should be starving his Trade, and cramping its energies, for want of a supply, upon which most probably he has long been reckoning from day to day. Moreover, it seems to us very likely, too, that the injudicious high prices obtained in town, would be swallowed up by the extra-prices he would pay for materials, or the disadvantageous loans he would have to raise, in consequence of these ill-judged delays of his factor in town.*

Seeing so much depends upon the sales made by the town agent towards keeping the manufactory in a state of activity, the amount of his own returns would increase by the additional quantity so produced ; to say nothing of his thus finding the poor working people more abundant means of living ; nor of the increasing stream of wealth he is thus turning into the place, probably, of his birth, and the residence of his kindred : thus mainly dependant upon him is the flowing in of orders for goods, or what is frequently the same thing, *reports of sales*, which are hailed as drops of manna by all concerned, and by the fostering influence whereof, further

* Persons who have never visited the places where the manufactories of piece-goods of all descriptions are seated, can form but very inadequate notions of the state of poverty to which the little masters are frequently reduced by the unfair withholding of the factors. *Country bankers* stood them in good stead for a while ; and these people were then employing the capital entrusted to their care in a legitimate and honourable manner : it was when they departed from this course to speculate in lands, and the articles of life, and in the purchase of *plants* and machinery, that they were deservedly ruined.

exertions are superinduced on the part of his principals.

24. *Salesmen*, or factors of the articles of life, except corn and bacon, are the least capable of practising delay. Their goods come up to town for *immediate consumption*, and must be sold, or they deteriorate, even whilst the horses that brought them are taking a hasty bait, and a precarious rest; or the boat that landed them is waiting for the turn of the tide. These commodities being sold for *money*, or nearly so, the salesman of our markets is enabled to make up his accounts by the time the carrier, boatman, or waggoner, leaves town. The balance and packages ought to accompany the accounts, and generally do for *dead-meat*, and garden produce; or, what is the more preferable and commercial method, the proceeds are paid into the hands of the banker in London, who is *agent* for that country banker with whom the principal *keeps cash*. This last practice is invariably pursued at Smithfield, where are six or seven "money-takers" (bankers), into whose hands all payments for beasts and sheep are made, before the delivery, unless by special agreement a few days' grace is allowed; indeed, although the owners of the animals should be upon the spot, the salesman invariably adopts this more safe and convenient method, as it is a check upon error, and serves to show the fairness of his proceedings. Other articles, as pigs, horses, carts, hay, straw, are not so systematically paid into the hands of the money-takers; indeed, we might say not at all, *by the buyers*, as in the case of cattle and sheep. Nor are there any men of such

avocation as *money-takers* in Whitechapel-market or the Hay-market.

25. APPRAISERS, OR BROKERS *of furniture*, are such as make valuations of household goods, fixtures, &c., between man and man; and are employed in the same capacity when the king or sheriff, the landlord or collector of rates, is party against the owner. In this latter case, they unite the occupation of auctioneer with it, and make sale of goods to the required amount, returning the balance, if any, to the sufferer. Like every other Trade, there are two or more sorts of men engaged in it, and in some individuals the two opposite extremes meet in the same person: the utmost deceit masked under excess of candour; knavishness and dupery, assume the characteristics of the most rigid honour: in fact, all are practised on occasion, as they are suited to the party to be acted upon.

In all cases of *valuation*, where premises are about to change hands, and with them the goods and fixtures thereon, the task is plain, and when executed faithfully, and with the requisite ability, it differs in nothing essential from any other occupation or calling. But it is in the want of that ability, the defection of faithfulness in the execution, and a departure from that plain and clear mode of conducting business, which raise our indignation against the majority of furniture-brokers. The auctioneers *among them* come in for their share of this adverse feeling. Both callings require the professors of them to be well acquainted with every article *usually found* in house-keeping; kettles and pans, tables and chairs,

beds and barrels, come exactly within the sphere of their knowledge, and we have the charity to suppose, there is not one among them but is a tolerably good judge of the value, in those ordinary appendages of family comforts. But it falls not to the lot of any one man to know every thing: very few among us approach towards perfection in our own particular professions; yet a great many appraisers set valuations upon commodities they never saw before, pretending to have an intimate acquaintance with articles of which they never yet heard the name mentioned. We are told of a *non-descript* conserve having been mistaken for medicine by one of those all-knowing appraisers; because he once made a mistake of a direct contrary nature, having tasted a powerfully drastic domestic medicine, disguised for the use of children as a sweetmeat, which he put down in the schedule as West India *preserve*.

Another of these wiseacres set down a valuable camel-hair polampou, for an "old coverlet," being the first he had ever seen; and a third intituled some *veritable Vin de Bellet*, "tawney Port wine of *peculiar* flavour."

There is no crime in not having cultivated an acquaintance with things like these, rather out of the usual track; the blame begins where the *pretence* is set up of *all-sufficiency*, where the bold assumptions, and the wordy glosses of the appraisers, induce innocent people to entrust the valuation of property to such hands. One never hears a thorough-bred appraiser say he "does not know" a thing, which perhaps may be in itself insolvable: no, he will try what can be made of it, and will smother it with a multitude

of words, though it never was in his power probably to cast a ray of light upon any subject whatever. As a cover for such gross ignorance, they do not give the parties most interested in their labours, any *details of the valuation*, assigning as a reason, that "it is not *the practice*,"—which is no reason at all.

Public-house changes, are the most prolific sources of appraisers' profits, inasmuch as the occupiers of them are much given to change, through whim as well as necessity, or the desire of ascending in the scale of respectability. On such occasions, in order to oblige their changeling employers, the appraiser-brokers render the new-taken house a scene of riot, of quirk, and confusion, which thereby become the theatres of contestation as to the amounts, nowise comporting with the character of what should constitute a decent Tradesman. However extraordinary it may appear, the worse Trade there may be to a public-house, the more profitable it turns out to the broker who lays himself out for this particular branch of business; inasmuch as he is constantly employed in looking about for customers, in the persons of inexperienced young men, much in the same way as the Exchange-brokers, &c. seek for their customers. With much plausibility, one of those brokers near St. George's, Southwark, has contrived to procure a succession of such dupes who are seeking to enter the public Trade; one of whom he recommends to a vacant house, without sufficient trade to maintain the present occupier, who thereupon gives our broker a *bonus* for his customer, agreeing somewhat with the sum which can be extracted from the novice: from this one he receives the usual payment

of brokerage, and perhaps another *bonus* for his kindness in *putting him up* to such an *excellent take*. But his eyes are soon opened: he too gives a sum for a customer; the same game is played over again and again, and thus, with about four good-for-nothing public-houses, but without any other apparent means, does this fellow contrive to pick up a handsome living, which it is clear he could not do if they were good undertakings, because the occupiers would not then be so ready to leave them.

26. *Wine and spirit brokers*, properly speaking, are those who having qualified themselves before the court of aldermen, as conversant in those articles according to the laws, (see page 252,) and are engaged in the sale thereof for the importers. But their business differs nothing from the generality of brokers of other articles, (see page 255;) and another set, who are more properly gaugers and valuers of stocks, having assumed the title, we mean to bestow a few minutes' notice upon these last mentioned. So far did the furniture brokers for some years carry their pretensions, and their duperies, as regarded public-houses, that they have been cut out of the valuation of the stocks in Trade of the publicans; which business is now wholly transacted by this new species of brokers, who are well adapted by previous habits and instruction for the task. Few in number as they are, they have recently contrived to get rid of several intruders upon their occupation, in the persons of some intelligent excisemen, who are now interdicted by *the board* from *intermeddling* with such public-house valuations. An estimate may be form-

ed of the morality of *these spirit* brokers, or *guagers*, from the circumstance of their having, as a body, eluded payment for his trouble to the accountant whom they employed to make the representations to the board of excise, which obtained for them the interdiction just spoken of.

AUCTIONEERS.

27. *Auctioneers* are almost invariably appraisers, and partake deeply of the conduct we have thought fit to censure in the preceding pages. In this capacity, they are merely agents for the sale of the property of others, as they take a commission for their labours; but they come not under the denomination or regulations of brokers, inasmuch as they do not *seek for, nor bargain* with the customers of their goods, are subjected to another kind of regulations, and are liable to another tax upon their *profession*, as they call the business of an auctioneer. Another distinguishing characteristic is, that they make advances on property intended for immediate sale, or procure it to be done by the bankers, for which an exorbitant charge by way of interest is made one of the *incidents* of sale, among which it forms no mean item. Why the calling of an auctioneer which requires the exercise of no extraordinary talent, and is seldom entered upon with a large capital, should puff up those gentlemen with so much unwarrantable conceit, is to us matter of regret, and a fit object of reprobation. But, however high they may carry their heads, the practice of postponing the settlement of accounts is as much their's as that of any other description of

agents. We before thought proper to give one glaring example of this backwardness in a concern of high repute in *the city*, as regarding an unsuccessful Trader, the evils of whose situation we were then delineating.

Although this calling is marked by the leading characteristic of agency, of charging a commission upon the business done, yet do they invariably trim these charges according to the occasion, the thing to be sold, and the bargain which can be made with the vendor. Very respectable auctioneers will sell in detail, articles of produce or of manufacture, at two guineas per day, or less, in cases where they have simply to go into the pulpit, without having any trouble with preparation, payment of duties or other disbursement. The shabby fellows who sell near Temple Bar, and other *made-up* auctions, receive but half-a-guinea for a morning, or an evening, and no more for both from some employers.

Many auctioneers "buy in" on their own account, in order to subsequent resale at advanced prices, for which purpose they keep people about them *to rig** the sale: The same kind of assistance is called in where a sale is *made up*, to which sort of deceit the world has given the name of *mock-auction*. Some of

* There are two species of *rig*, or combination of purchasers, the one to *keep up*, the other to *keep down* the prices; those of the latter sort agreeing not to oppose each other in the sale-room, but settle their differences and the real value and real buyers of the goods after the sale is over, at what is termed a "*knock out*," or fresh sale among themselves: this has been call the *outer*, or out of door *rig*. The other is set to work by the auctioneer.

the lower dregs sell no other than made-up lots of goods, and are easily discovered when at work, by the irregularity of putting up the articles, which are seldom catalogued, by the great number of lots that are *bought in*, or replaced for want of bidders, either real or mock ones, and by the affectation, niny-pomposity, and overstrained panegyricks of the seller.

28. Want of candour as to *time* of sale, is the common error into which the petty-fogging auctioneer leads his employers, and is always the cause of much vexation, and frequently of loss to the proprietors. This evil is occasioned by the management of the auctioneer, who is desirous of bringing together a good number of sales, as coming on by him at one and the same time, for two purposes: 1st. Because it feeds his vanity, to see a long string of *his* sales, all at the same time in the columns of a news-paper; as it gives the public a grand idea of him and of his extensive business; and 2ndly, the saving he effects in the hire of a room, of porters, &c. &c. by having several sales on the same day, to each of which those items form separate incidental charges, or are considered in the lumping bargain. With some of them, two or three months shall pass away perhaps, between one and the other of those lengthy displays in the newspapers: and during all that time the interests of his employers are suffered to sleep, or permitted to dwindle away. In this time, the advertisements which formed the first announcement, have died away, and the would-be purchasers have cooled over their first intentions. The great expense of printing

and advertisements, is frequently incurred for no other earthly reason than to feed the vanity and add to the pomposity of the auctioneer ; and a charge of several pounds is set down for such announcements, which never can be proved, at least in those cases which have come under our review, although it is well known that the news-papers invariably give receipts for all advertisements.

The master of Dolly's, some years ago, withstood a demand of this nature, which could not be made out, but the dispute was compromised without going into court ; and the secretary to the County Fire-Office was successful soon afterwards, in trying the merits of a similar charge against some reputable auctioneers : in neither case, were the estates sold ; both lie beyond Whitechapel, where every thing hung heavily on hand ; but neither of the parties were known to each other. Before either of those occurrences, a sale did take place of leasehold tenements, in Gray's-inn Lane, the property of an old lady, who looked towards the proceeds as one means of assistance ; but when the expenses of twice *knocking about* the property, were deducted from the amount of sale, (about £70,) she remained indebted a few shillings to the auctioneer ! See at pages 199, 200, *note*, one of the usual tricks of attornies and auctioneers exposed, and the remedy pointed out.

29. Transactions such as these, with their presumption and groundless pretensions, have accordingly subjected the auctioneers to a good deal of animadversion in the legislature and courts, as well as out of them, to verbal ribaldry, and upon paper to carica-

tura. For this purpose, some of the higher sort have been selected by the satirists, not with the most happy skill in the choice. As regards their taste or knowledge, they are mostly at a loss in the sale of paintings, books, and statues; not above half a dozen auctioneers within the bills of mortality, being capable of pronouncing the *hard names* of the people who produced the earliest specimens of either. But after all this has been said and done, they invariably put the word *Mister* before their names; a thing that is not presumed to be done by any other description of London Tradesmen; and we should like very much to be informed, in what particular the auctioneers who sell the property of others, are superior to the Tradesmen who sell their own.

One bad effect is produced by this peculiarity of the London auctioneers, and that is the difficulty it throws in the way of legal processes; especially the wholesome practice of *attachment* in the hands of third persons, which is the incipient proceeding out of the Lord Mayor's Court, as explained above at page 179. Their Christian names are of course entered at the Excise office, hard by; but *there* the insurmountable obstacle is thrown in the way of information, usual in our public offices, *namely*, reference elsewhere: "You may apply to the commissioners," is the reply; and by that time *the petition* is drawn up, praying for his *Christian name*, Mister auctioneer retires out of the jurisdiction of the court, pays over the money to his employers, (*foreigners* perhaps) who thereupon depart the land, and in the course of a day or two the petitioner may have an answer to his application.

30. ARMY AND NAVY AGENTS, although occupations or profitable pursuits, and therefore claiming *notice*, do not come strictly within our view as requiring detail, especially at the happy period that marks the publication of this volume, when "peace pervades the land," and all its dependencies. A modern *pest*, calling themselves *navy agents*, have sprung up, who draw out the papers of mariners, apply to owners for the settlement of accounts, obtain powers of attorney, distribute pay, and perform other offices for seamen. They are a kind of 'long-shore advisers, who fan the flame of legal discord, when a lazy seaman has been corrected by order of the wrong officer, or a skulking passenger is punished for refusing to *hand a rope* for the preservation of the ship in a storm.

CHAP. V.

OF PUBLIC TRADING ESTABLISHMENTS.

JOINT-STOCK TRADING: INSURANCE OFFICES.

1. As connected with Trade, there are a great number of offices or establishments, some of which we shall barely notice; there are likewise a few that do not require attention in this place. They were erected or set up, for the profit of the undertakers, and for the accommodation of the public, on whom they fasten their pretensions, and of whom they seek to make advantage. We here mean to show the advantages they offer, to examine briefly those pretensions, and to point out their peculiarities. Other "offices," set up for conducting the fiscal regulations of *the country*, do not come within our view: the collection of taxes, and the restrictions of incorporated bodies, do not promote the interests of Trade; both, unhappily, are opposed to, and clog the operations of industry, and retard the arts of life, and they batten on the vitals of the one and the other.

2. Out of the passion for joint-stock-trading, or rather joint-stock adventures, and projects, have arisen some of the most beneficial and advantageous undertakings that this or any other country has to boast. That passion or *mania*, which, as we before observed at page 293, seems to have appeared occasionally, like the strata of our earth, on the surface

of the world of commerce, from the days of Elizabeth down to the present moment. In other countries the benefits of great public works are promulgated by an *edict*, an *arrêt*, an *ukase*, or a *chop*; in England, the interference of the government is a signal of distrust: individuals undertake those things with a view of profit, which the commands of the ministry would fail to effect. *One of the fruits of our freedom!*

The public are most interested, the trading public, in those which are still open to its participation, in one way or the other. Assurance, which offers us security, for a premium, from the pecuniary dangers of *fire*, of *the sea*, and *loss of life*, stands foremost in the list of Trading offices; and those among them which hold out advantages, beyond those of being covered from *risque*, of contributing to their profits, or of becoming their dupes, have a double claim upon the attention of every Tradesman; for time, and some recent disclosures, tell us their profits are exorbitant, and the price of *risques* calculated too high. Farther back, we gave some account of the first setting-up of two of those offices, (page 263;) and nearly the same kind of occurrences marked the establishment of all the others. Those, with the Phoenix, the Sun, the Hand-in-hand, and another or two, now shut out the public from any farther participation in their schemes, their subscriptions being filled up; and as their shares do not come to market, the public in general, know no more of the companies or their *persons*, than that the Annual Calendar contains a list of committees, and the respective offices are filled with clerks; that they perform their en-

gements *honourably*, and therefore have no occasion to make disclosures.

In some of those respects they do not differ from the offices in which shares may still be obtained, and the insurers enjoy dividends on the profits, in the way of joint-stock Trading companies; as, the Albion, the Globe, the Atlas, the Eagle, and the Hope; nor in some other respects from those offices, which being conducted upon the *Union principle*, hold out to their customers, the annual insurers, a participation of the profits which may have accrued after a lapse of years, in proportion to the sums paid in. As to the *terms of insurance per cent.*, as the whole of the offices are established upon nearly the same principle, so are they conducted nearly in the same manner. The first may be ascertained by application at the respective "offices" for their "proposals," in which will be found some slight shades of difference on minor points, as to remuneration for losses, and extensions of the risques; the second may be learnt from busy rumour, the reports of law-cases, police examinations, and abortive prosecutions at the Old Bailey. If all were compelled to hang up in their *offices*, accounts of those various *proceedings*, for the information of their customers, we should be enabled from the *exhibition* to ascertain which possessed most of the hateful propensity to litigation. One of them lately stood convicted in the public estimation of palpable evasions in the payment of its losses; and the administration of its funds underwent reformation, when the company's lawyer was discharged. All the *fire* and life offices, (it is believed) in making their estimates of partial

losses, deduct something from the demands of the sufferers, however trivial that may be; at least this is true of the *oldest office*, as well as the *young one* just now alluded to, who have, or had in 1812, a column in the books of their surveyor-agents, to note the *sum deducted* from those demands; thus, after the name, the date, &c. come these *heads*:—

“ Estimate of loss. | Sum deducted. | Sum paid.”

Although the deductions were inconsiderable in the pages which we turned over, yet the fact is eloquent and instructive.

3. Insurance of property against loss by fire, being the indispensable duty of every Tradesman, it becomes no trivial question of economy, where, when, and how, he may insure himself against the fast spreading calamity with the most advantage; and in examining the pretensions of each office, as set forth in their printed proposals, he would not of course select for insurance, an office which requires in case of loss, conditions to be fulfilled with which he is morally certain he never shall be able to comply.

About 1794, the house of a man in the Haymarket was burnt, who, by reason of his political notions being different from the bulk of the parishioners, could not procure signatures of the requisite number of proper persons among them to validate his claim upon the fire-office, (according to their printed *proposals*, and the policy;) he was therefore ruined; and an immensely large painted board placed before the house for several years, narrated the facts. We do not *withhold* the names, but have lost the memorandum.

Of all the Insurance Offices which were at any time set on foot by means of a joint-stock, one only paid down the whole money. This was the Globe; and *the amount, one million sterling*. The others set down *nominal* hundreds, upon each of which the subscribers, or joint-adventurers, paid two or three *units*; and one of the earliest incorporations mounted their calls no higher than £12 10s. for each hundred (see page 264, *note*.) A question therefore arises, whether the subscribers would not have been liable to the remaining £87. 10s. if the losses had gone against the offices? Here we leave the inquiry, as regards this class of offices.

4. The third principle of Insurance, and the most eligible as regards *cheapness*, is that which admits its customers, of a given number of years standing, to partake of the benefits, and we must add, the *risques*, (though small) upon the principle of mutual guarantee. As to charges and description of *risques*, we leave them out of view: our readers may look at the small shades of difference that scarcely distinguish any one from all the others, all affecting equal liberality, and being equally obscure in the style of their expositions, where we most anxiously looked for information. So much is this the case, that no one, *from their printed papers*, can be certain whether the division of those profits take place once in *seven* years, or annually, as regards those insurers, who have arrived at the maturity of time within the *last year*; whether the calculation is made from the first date of the first policy, or that the *bonus* is only prospective, taking place *after* the seventh year of pro-

bation? Is it repaid in money, or deducted from each premium? we would ask: and we should recommend the proprietors to ascertain how the first necessary expences of maintaining the establishment are disbursed, and consult our pages 294-5.

The Union, (1714) is the oldest establishment upon this principle; but the reader will see, that it ranks in this one particular with the other *old ones*, viz. that no information can be obtained as to the amount of capital in reserve, or whether they have any, beyond the immediate demands for losses by fires; but certainly, the single circumstance of maintaining so great a number of years its integrity (as is believed) argues full as much for its stability, as it does for that of any of the other old offices.

The Norwich Union (re-established of late years in London) was the next in point of time, and divides the largest profits of any on the *union principle*, among their customers, who are, at the same time, joint subscribers and sharers in loss and gain. This sharing has amounted to the enormous dividend of fifty per cent.! Whether this circumstance adds to the *security* or subtracts from it, is a point which we leave purposely undecided; but this fact is clear, that the money so divided and repaid, is no longer upon the spot to answer the sudden calls that ever attend conflagration and death. It follows, that each subscriber, or insurer, is an eventual *principal*, at those two last-named offices; and therefore liable to calls, upon any loss or defalcation of the floating sums in hand, in proportion to the sum for which he is underwritten, even although he should have received no dividend, or but one; while others who

have received two or more, would be liable only in the same proportion to the amount for which they are underwritten, without regard being had to the dividends theretofore withdrawn.

"The County Fire Office," is the third, and last established upon this principle, and appears to combine the security of a permanent capital, with the advantages of sharing the enormous profits of its trade. *Reserves* are made, it seems, of a certain part or portion of the profits towards completing the original subscription (nominally £650,000) of which ten per cent. was paid down at the commencement of the undertaking (in 1807); and this first deposit of £65,000, they will incessantly augment with such reserves, until it reaches, we are vaguely told, "the *permanent surplus capital* of £400,000." This sum they consider *will be* "ample security against that unlimited responsibility which attends the simple contributionship, or union principle;" a confession which is not to be misunderstood, and amidst the obscurity in which we grope about for his meaning in other respects, was rather a temerarious avowal of the scribe employed to draw up the (so called) *proposals*.

Upon the whole, we do not hesitate to say, the *scheme* of this office has a decided preference in our minds, and will have our recommendation, provided the managers honourably and strictly fill up the outline they have sketched. Its practice, in another particular, is more decidedly to our taste and way of thinking,—as the reader who remembers what is said a few pages higher up, may anticipate, when he understands that "claims upon it are never defeated

[or *resisted?*] upon mere legal objections, but that demands are paid in full, with the utmost promptitude." Conduct such as this, if generally copied, would tend to rescue underwriters, whether single or corporated, from the sweeping censures to which they are now exposed.

These Fire Insurance Offices, also insure on lives and survivorships, and grant annuities. They are, at present, thirteen in number, although within our recollection, three of them sufficed for the whole empire of Great Britain. Not one of them ever became unwilling defaulters, as happens to the other classes of underwriters at Lloyds, &c. through the greatness of their losses; a negation they have amply provided against, as the reader must perceive, in the exorbitancy of their profits, arising from the high rates of premiums compared to the risques.

5. The Docks, Canals, Gas, and Brewery concerns are all public establishments in which shares are to be obtained occasionally, and the shareholders may at the same time, contribute to their incomes by becoming customers and promoting their interests. We should not omit the Waterwork companies, if those which supply the city, &c. were still open to receive new shareholders. But they are all daily devolving into snug corporations, by means of monopolies and coalitions; the oppositions to which have let out the secrets of the establishments, lowered the profits, and with them the value of the shares. These they now *buy in*, in cases of demise, among those who remain, or adopt new proprietors, by private contract, in like manner with some other shared undertakings, as Newspapers, &c.; to which kind of proper-

ty exposure of the finances is esteemed baleful on the one hand, or exciting to rivalry on the other. This last-mentioned property is almost always open to sale, privately; and to spirited speculative persons it becomes desirably profitable and safe, in proportion as they themselves are desirable partners to the old proprietors. Those persons may be comprised under three heads, viz. 1. Such as contribute advertisements; 2. Those who can furnish articles of prime intelligence; 3. They, who by their influence, can promote the sale. The *first* has been attempted by the auctioneers, by the book-publishers, and by the shipping-brokers, respectively, with various success; the *second* may be accomplished by merchants who have extensive foreign connections, and who of course may induce many other merchants to give them priority in *their* communications—to say nothing of *Lloyds*; or, by clerks in public offices; the *third*, by large bodies of men who meet together periodically; which has been put in practice by the publicans, who take off between two and three thousand copies of *their* newspaper daily, and clear by it about as many pounds *per annum*.*

* And this, notwithstanding the execution thereof, has subjected their paper to be nick-named *The Tap-tub*, inasmuch as it generally contains the dregs of the preceding day's news, and it is incessantly filled with *ignoramus*. Property of this nature is seldom worth more than one year's purchase; although we did twenty years ago hear of a celebrated Morning Paper being valued, in settling a *marriage portion*, at £20,000, and no day since has it been worth less; and soon afterwards its violent rival, the jacobin *Post*, was bought, for party purposes, at £15,500, by the most virtuous administration that ever employed a horde of venal writers to defend its well-meant measures.

6. *The Society of Guardians for the Protection of Trade*, by its long title would impart an idea, in war time, of some line of battle ship fitted out for the protection of commerce. But its meaning is no more than a subscription of a guinea a year (without any society) to an attorney, who undertakes to furnish his subscribers from time to time, with a list of the names and places of abode of such swindlers as may have come to his knowledge. His mode of doing this effectually, is by pointing them out as "unworthy of being ballotted for as members of *this society*." We have already proved the errors, inefficacy, and pernicious tendency of such labours, at page 109.

The Bankrupt Office, is not exactly a perfect establishment, the institutor undertaking, for a guinea a year, to furnish the members, in his list (no *society*) with the time of meetings, and the dividends paid upon the estates of all bankrupts, whose names they may hand over to him. Two other individuals, accountants, undertake, for a commission, to search for and make out the claims which ought to have been paid on estates, as regards second and subsequent dividends, but some of which may have been forgotten, overlooked, or omitted to be applied for. One of these, Mr. Holborn, we witnessed recovering a dividend arising out of a commission nearly twenty years old; the name of the other accountant is Maclaren, and the proposed terms of both we consider highly desirable to old concerns.

ARBITRATION.

7. *A Chamber of Commerce*, which had been proposed to be established in this city, for the tenth time, and had even proceeded so far as to enter the names of its members under the title of "The Equitable Trade Society," having occupied several of our pages in describing its advantages, had called for some researches as to the origin and usefulness of such establishments, and excited some animadversions on the manner in which this one was proposed to be conducted, but we understand the intention to be again set aside. We therefore have nothing further to add respecting this new abortive attempt, than to draw from it one more instance in support of our hypothesis, that this is not the kind of institution which is adapted to the temper and disposition of Englishmen,—at least not to those of the metropolis. We perform the same duties by other means; and although our arbitrators may not be so perfect, nor stand so high and so authoritative, as the bodies who fill those offices elsewhere, we nevertheless take ours as we find them, insist they are equal to the task they undertake, and shall describe their functions accordingly.

Meantime we may be allowed to observe that there exists a law, unrepealed, which constituted fourteen persons a committee for hearing and determining disputes regarding policies of assurance. This passed in 1601 (43 Eliz. cap. 12); the preamble containing an allusion to the inefficacy of the

awards made by the “grave merchants appointed by the lord mayors” in preventing law-suits in this particular case, inasmuch as the underwriters compelled the insured persons to *commence separate actions* for the recovery of their losses. We are led to conclude the grave merchants appointed by the mayors, were in effect a board or committee of arbitrators for settling commercial disputes, but their authority being declared incompetent to the adjustment of disputes on policies of insurance, a still graver, more discreet, or more learned set of commissioners, after the same model, were established by this act. The persons now appointed were no less than the Judge of the Admiralty Court, the Recorder, two doctors of civil law, and two lawyers of common-law, with eight of the aforesaid discreet (or grave) merchants*. Antecedently hereto, the duty of those grave merchants appointed by the mayors must have been tolerably arduous, for in addition to those disputes on policies of assurance, we hear of great

* The celebrated Board of Commerce, at Paris, established by Louis XIV. and which is said to have done so much good, was constituted nearly in the same manner, of his *ministers* and twelve principal merchants of *his* kingdom (1700), and were empowered to settle *commercial controversies*. They were distinct from and subordinate to the *Royal Council* of Commerce established a few years before, and at which the King himself presided occasionally. Our *Board of Trade*, established by William III., anno 1696, had this last mentioned for a model, and they were called “*Lords Commissioners for Trade and Plantations*,” as at the present day; but the utility of such a board is very doubtful; the necessity for it in the present state of things has been successfully controverted.

numbers which arose out of the *associated* trading common with the merchant-adventurers, and of the East India Company, neither of whom traded with a *joint stock*, or single capital, until 1613, that the latter made their first adventure on a single bottom, when the *plurality* of trading was reduced to *unity*, and gave them the name of *united*. In 1630, the malversations of the merchant-adventurers subjected them to a *commission*, for correcting the impositions practised by them in the sale of their commodities.

From this period, and by reason of those circumstances, it is apparent, the act of Elizabeth became a dead letter, like so many other laws of her reign; and this, with those causes combined, also, threw into disuse the prescriptive right of the lord mayors to settle such disputes, by this summary appointment of arbitrators.* But the genius and temper of our traders, reject every kind of authoritative appointment of this nature; and such an establishment, if ever it is carried into effect, will *arise out of the occasion*; or, in other words, some proximate cause must give it birth to render it acceptable to the merchants of the metropolis, without whose cordial and unanimous consent, obtained at one moment upon the spur of the occasion, the measure never will be brought to maturity.

8. We have spoken much higher up of a profession,

* The chief magistrate has similar power in other cases: see *note*, at page 182; and, indeed, the entire section may be read with profit, as to such power vesting in the lord mayor for the time being.

which although of modern date, and therefore not likely to have claims on our early predilections, had our unqualified approbation as to the usefulness of its members. These are the Accountants, or Accomptants, who are at the same time professedly arbitrators of commercial disputes; in which occupation they prevent vexatious litigation, and its attendant expenses, that are ever to be deprecated by all *good* men. Looking with that jaundiced eye upon lawyers, which all Traders ought to entertain, we hail, with no unreal joy, every individual exertion of these Arbitrators, which keeps in check the wily machinations of those harpies, to embroil their silly clients.

Like every other pursuit to which men exclusively devote themselves, Arbitrators and Accomptants *by profession*, attain a proficiency or expertness in their art, to which those who exercise the same functions but seldom (though of higher school attainments) never come up to. Hence the success that attends their exertions in the adjustment of disputed accounts, in reconciling contested points in partnerships, and negotiating dissolutions of the same; in the recovery of bad debts, in arranging and dividing insolvents' effects,—and similar offices, which partake more of benevolent interference, than the mere occupations of a man of business.*

* About thirty years ago, a reverend gentleman made "the Duty of settling disputes by Arbitration," the subject of a separate Treatise; and it well deserves the notice and imitation of persons in authority similarly circumstanced. The like system was acted upon at the town of Methyr Tydvil, in South Wales, and its good effects there, were apparent and considerable.

Honour and probity mark the character of our Arbitrators; and, indeed, any other course would be impolitic on their own parts, to say no more, as they must thereby lose their character, and with it evidently a portion of their employment and income. Whatever man among them who should deviate flagrantly from the line of rectitude in his decision, would be deservedly scouted from society, and we believe such a man does not exist, or the exposition of his crime would have found a place in these pages, pointing directly or indirectly at the offender. When we have said this much, in pleasurable justice to the Arbitrators *generally*, we feel ourselves called upon, in common regard to veracity, to make one entire exception of those who are exclusively attached to Lloyds; where average losses are made out by them *among each other*, without any the least regard being had to the semblance of fairness. Their arbitrations, it is true, are gone into without entering into bonds to abide the decision, consequently their awards are not binding, and it follows that the persons aggrieved are still at liberty to seek redress at common law; but then, with what face do the assured go to law while the solemn mockery of an arbitration is thrown in their teeth? Thus are we brought to the very same state of things as we were in before the statute of Elizabeth, which contains the longest preamble we ever saw, (see page 322); the evil seems to call for a similar remedy in a *fresh* statute; and thus account satisfactorily to the enquiring moralist for the great bulk and useless verbosity of our written law.

9. FOUR INSTITUTIONS, administer to the intellectual entertainment and information of different quarters of town, and hold out to Tradesmen of every order, the easy means of becoming acquainted with whatever may have been printed on generally useful, as well as learned and erudite subjects. These are, in the order of age and importance, 1st. The Royal Institution; 2nd, the London; 3rd, the Surry; and 4th, the Russell Institutions. All were formed by joint-stock associations, and thence all have imbibed a pecuniary leaning towards the profitable use of the advantages they offer: the second and third mentioned, in particular, are imbued with the uncheering narrowness of exclusion to the unpatronised; shares in these two are constantly on sale, at prices considerably under the sums originally paid for them, and consequently, the annual subscriptions are very ill kept up. All the four, are contained in large buildings adapted to the extent of their respective libraries, with lecture rooms, and appropriate instruments. The *first* by its royal title, would seem to nullify the researches of the modest Tradesman; and the *Russell* is contracted and local, but genteelly conducted.

CHAP. VI.

OF THE MERCANTILE STYLE OF WRITING; AND THE
LIFE AND CONVERSATION OF A TRADESMAN.

LETTER-WRITING.

1. AT the outset of our labours we deemed it essential to recommend the young Tradesman, then in the last year of his apprenticeship, to adopt a neat plain *style* of writing; to which, we suggested, the same description of *hand-writing* would conduce in no small degree. We do not think so ill of our reader as to imagine he has neglected that advice; nor do we think so much of him, as to suppose he has now attained to *perfection in simplicity* and neatness. Therefore, we proceed to add a few plain instructions, as to the means of acquiring such a style and manner, as we, in our younger years, adopted, and found to answer our purpose extremely well; and, if we incautiously depart from it in these pages, it is only when our argument demands the deviation, or that we would be impressive, because we may be indignant, or wish to rouse attention to the subject in hand.

The style we speak of, must not be confined to the *matter* of our Tradesman's letters, to the mode of laying it out, or arranging the words, nor to the

formation of the character in which they are written ; but should extend to copying the mode of address in *conversation*, to the style of *dressing the person*, and descend so low as to influence the way in which the letters are finally *folded up*. For, should a correspondent be induced to call upon the letter-writer personally, in consequence of the matter or sense conveyed to him, and find the conversation and the writing at total variance, he would be led by the dissonance to apprehend, that he mistook one man for another, or that he had entered a wrong house, if the dissimilarity extended to this also. A letter-writer, so circumstanced, would be in the same predicament as he who hires another to perform the commonest functions of life, or delegates to his clerks the task of writing his letters of business. Such a man is always in the leading-strings of that other ; as the Tradesman would be in those of his clerks, and he who by his first appearance belies the subject-matter and the manner of his own letters, is trammelled in leading-strings of his own forming.

Few men who are in love, employ others to convey the language of the heart to their mistresses ; which of them, then, would use another's hand to communicate the results of his experience in Trade to correspondents ? or, when writing on either subject, would not endeavour to convey his meaning fully, and to the purpose, so as to carry conviction to the mind of the person addressed ? How this is to be achieved in Trade, is the inquiry we are now making. Not by figurative rhetoric, a flourishing hand-writing, high-flown ideas, and gold-edged paper, with a wax-sealed fastening, that is very cer-

tain; but by a plain hand-writing, plainly-expressed, plain thoughts, upon plain paper, and the whole fastened by a simple wafer. In these things may be discerned some consonance, or agreement of the several parts with each other: they will be *en-suite*, as *tonish* people say of furniture; in other words there will be a match in pattern, colour, and fabric; that which in painting is called *keeping*, and we in common life, call common sense on the very face of it.

2. The Tradesman-like letter-writer must not over-lay his subject, either with too much amplitude of expression—as we have done in the last sentence, by way of example *to be avoided*. Transgression of this rule has the effect of throwing into the background, other parts of the subject-matter in hand; and a shade is cast over them, by the too-much care thus visibly bestowed upon one not more deserving of distinction, perhaps, than many others. Moreover, if it be really desirable that the writer should be particularly forcible concerning any one point, this mode of amplification would show the cloven foot of his preference, and defeat the purpose it was meant to promote.

An universal error in epistolary composition arises from the too great desire to excel in what is called *fine writing*; which is either intended to interest the person addressed, or to exhibit the writer's acquisitions, but seldom accomplishes either purpose. People pity, or laugh at, the great labour that produces little effects: and few productions of ingenuity, of labour, or art, undergo such scrutinizing ordeals,

as letters from one person to another, especially if the receiver, or critic, be a half-informed, or half-educated, man or woman. This desire of shining, (most common in early life) it is, which creates bombastic effusions, and is even the origin of obscurities and far-fetched ideas, when possibly common-place expressions and trade phrases, would better answer the writer's purpose. These never can come amiss, or be used unprofitably. Not that we would recommend too much adherence to this method of using trade phrases and common places, even in letters wholly on business; because they exhibit a meagre grubbishness, that raises the intellectual character of the writer in the opinion of the reader no higher than the precise routine of the shop or warehouse; whereas, we have observed, the *present state of society*, and of universal instruction, demand something beyond it, if we would keep the 'vantage-ground in society, to which we may at any time, or any how, become entitled. Birth, riches, connections, nor honours, can command respect for their possessors, while out of sight; though, when present, they may exact an ungracious deference, who are destitute of personal dignity. *Mind* makes all the difference now-a-days; indeed, so much so, that a wealthy fool can no longer pass for a wise man; and to whatever transactions it is necessary to introduce a good portion of understanding, we must not let the world suspect that we are destitute of some degree of cultivation, at least, whatever the fact may be. And no better method of getting rid of suspicions on this head presents itself, than actually storing up a tolerable quantity of genuine intelligence.

3. Many young Tradesmen, and some, alas! much older, labour harder at hammering out their correspondence, than is required to make sale of the goods of which they are writing, and thus fall into as many unintelligibilities, as he, who on the contrary, all his life-time, slurs over his orders and directions, in such a manner, as to admit of two or three different interpretations. The misinterpretations and equivocal, to which that turgidity and this slovenliness are liable, invariably turn against the interest of the writer. But if low, careless, or slovenly writing, is thus liable to be misconstrued, no less so is that, in which the writer chooses to indulge in flights of fancy, or pedantic expressions. Phrases not easily comprehended or seldom used, are equally to be avoided—since they clog the sense, and obscure the meaning. On the other hand, there are, in business, certain common place, or *trade phrases*, very proper to be used, and indeed absolutely necessary, towards making ourselves understood by each other. There are *terms*, too, like the terms of every art or science, without which, Tradesmen would write and speak pedantically, if not unintelligibly; and, he who should endeavour to make himself understood, without using them would be considered by others, as one but poorly taught in his profession, or trade: those who knew him best, would think either that he had forgot himself, or was guilty of affectation.

In the same degree as such phrases and terms are proper *in Trade*, so are they improper *out of it*: in liberal conversation (as in writing) even though the *interests* of Trade be on the anvil of discussion, they

are not allowable, unless the use of the terms of art or of business be indispensable, and then short explanations should be given of each as it arises. What, for example, would any of *us* think of a practical chemist, who should be found talking to a mixed company of such things as the doctrine of Phlogiston,—the decomposition of acids—of fixed air, or caloric—without the suitable explanations of each, as it came up in conversation? We should be pretty much in the dark; as a country congregation would be, if the clergyman were so ill-advised as to illustrate a doctrinal subject by extracts from the Greek fathers. Yet have we witnessed both of these transgressions of the rule of propriety.

4. Most people sit down to think on what they shall write,—at least they say so: “What shall I say to such an one?” we often hear; whereas no one ought to take pen in hand, until the whole subject has been revolved over in his mind, with all its bearings. In Trade, nothing can be easier; matter of fact being readily reducible into words. First, *the thing* written about, is the foundation; next comes the consideration of what is to be *done to*, or with, that thing; thirdly, we agitate the reasons for taking some particular view of our subject; thus the materials of a letter, undergo digestion, and wait being placed in proper order, to meet the eye of one who is neither a better judge of fine writing, nor more disposed to criticise, possibly, than the writer himself. Suppose 1st, *the thing* written about, is cloth; 2nd, that he wants ten pieces; 3rd, provided it be upon the same terms as before: then the *cloth*

(1st thing,) may be (2nd), forwarded per carrier ; and (3rd) drawn for at two months ; taking off the discount.

Having thus bandied the subject forward, and backward, until he apprehends he ought to be understood, he takes leave in the usual manner.

If the contrary were not the general practice with all upstarts, and illiterate people of every description, we should not here notice the slovenly manner in which the mechanical part of most Trade letters begin and terminate, to say nothing more of *the body*. Is it respectful or decent for a junior, or an inferior, to take his leave of one a step beyond him, with *abbreviated words*—as “*yr. hum. ser.*?” Sometimes we have seen the bare initial letters of those words, or others (as *y. m. o. h. s.*), of which those of the christian names are most common—as A. for Anthony, B. for Benjamin. Our constant practice is, to write those words, as well as “*Sir,*” or “*Gentlemen,*” at the top, at full length ; unless indeed, it has been the word *Serv* which as it is mistakenly read “*Servant,*” (a female) by most people, instead of “*Servitor,*” (a male servant,) we as invariably abridge it at that letter where the feminine distinction begins. This we do to avoid that stiffness which is so undesirable in our communications with each other, but which would be apparent upon using the word at full length (*Servitor*) unlike all other persons.

Other abbreviations frequently occur in the middle of letters, coming from men of business ; and we see no propriety, nor any saving of time, ink, or paper, but a great sacrifice of perspicuity in the

practice ; especially when figures are substituted where *words at length* ought to be used. Important blunders sometimes occur in this way ; and it is always a demonstration of slovenliness, that seems to us designed either to offend, or to puzzle the reader.

We choose to notice these trivialities, notwithstanding many readers may think them below notice : not so low either ; for many small matters being required to make up a large one, we consider these of such a nature, as to deserve the pointed attention of all those who would send their letters out in some degree approaching towards perfection.

5. Further, to push the subject still more refinedly, regard should be had to clearness and perspicuity in the choice of words, and in the arrangement of them ; which if studied in early life, will rather increase and perfect itself with age. This kind of study in youth, will, we know, produce stiffness, and a pedantic air through every line ; but that is a fault which is very excusable, and will soon wear off, when the style comes in collision with the interests of the writer, or the kindness of a friend points out the obscurities into which he runs who attempts too much refinement. Only such words should be used as are well known to every one ; for if a word admits of two or more interpretations, the reader will give it that one which suits his own whim, conveniency, or profit : if the writer means to be forcible and clearly understood, he may use both *or* all three terms, *or* more, if so many there be ; if it is a *phrase* with which he is not familiar, he may add “ as they say,” “ as it is

called," "as the saying goes." This latter piece of advice, although open to the charge of being *inelegant* in composition, is notwithstanding goodly understandable; and this is our own *apology* for the frequent use of terms that may be thought too common, or even vulgar, as it is for our recommending them to the imitation of others.

Again, there is no propriety in using the same word too often; this shows a meagre style, which is wholly unnecessary in English, the language being in fact, redundant in the variety of expressions for the same thing. Egotism, too, should be avoided in letters, as in conversation. The man who speaks or writes, too much of himself, will soon exhaust himself. "I myself I, is all *mihi*," said a punist.

Than *answering* the letter of another, nothing can be easier, even although the subject be perfectly unintelligible; for then the writer has only to say so much about it, or any part which may be so. Before he can be prepared to write an answer, he must make himself complete master of the subject or subjects; but if that to which he is to reply, be incomprehensible, he cannot necessarily speak to it *in point*; but then, he must not pass it over *in silence*. In this will be seen the necessity of studying every point and bearing to be replied to, *ere the answer is begun*; taking care to use the smoothest or most palatable parts at the commencement, so as to win the reader's attention, and to end with that which it is desirable should make and leave the most lasting impression.

The subjects, if more than one, should not run into each other; even the same subject when divi-

ded and subdivided, can be managed to come with additional force, on that very account : this process is very much like spreading out and assorting goods in a shop or warehouse, so that we may be able to lay our hands on any article at a moment's warning ; the contrary practice, resembles the *stock of a cutler*, jumbled into one immense mass—corkscrews, knives, razors, and spurs, one scarcely knows which to touch, or on what we are laying hold.

Too redundant an appearance of capital letters is to be avoided. Men who write on scientific subjects use the fewest. In commercial letters, they should be confined to initials of first words of sentences,—to nouns in the *nominative* case of each sentence,—and to pronouns of distinguished *persons* and *things* : as, He, for the King : It, for the Bank of England : Him, for God : She, for a Mine.

6. LETTER WRITING is an art that few attain to perfection in. Members of Parliament and Barristers, who make long speeches, do not excel an equal number of Tradesmen ; many others of the learned professions (doctors in particular) are sadly deficient ;—but all these facts contain not one solid reason why some part, portion, or degree of excellence should not be attempted, and persevered in by Tradesmen, to the end of their days. Reading clear, well written letters, on actual business, greatly contributes to fashion the taste, or manner of execution, more than any other means ; the rather, because of the immediate interest the reader feels for the results of the negotiations that form the subjects of them : in default of these, the perusal of other letters, some

of which are merely ideal, and are meant as models of letters on Trade, friendship, and every variety of subject, and are well enough in their way; while there are others published, which have actually passed between persons long deceased, and as they show the hearts and the heads of the writers, as they really did live, may be read with profit and pleasure. *Swift* is at the head of the immense catalogue, for plainness of style, and choice of real English words. We have in contemplation to publish a volume of original letters for the service of Tradesmen.

MANNERS AND LIFE.

7. Some one has said, that "*first impressions* are most lasting," and so they are; and, since they are invariably made by *first appearances*, and these "first appearances" generally take place in business by means of *letter-writing*, we have spoken of this in the first place, *as an art to be acquired*. In doing this, we have gone into more particulars, and detailed more minutely the minor proprieties belonging to it, than many may think requisite: nay, we may be laughed at, perhaps, by some of those who know partly, as well as we do, the propriety of the directions here given; but, if the reader has learnt from us, to put in practice, or to improve by only one of our ideas, we have accomplished that one good,—and our end is answered.

Come we, in the next place, to speak of a man's making his first *personal* appearance before another.

Every one knows, when he receives an *ill-spelled* note or letter, the writer who could be deficient in

that lowest accomplishment, must be an ill-taught man ; so another would be set down as a low-bred person, who dresses *slovenly* ; and, however either may afterwards improve or alter, we cannot discard entirely our *first impressions*, but constantly look about for a word omitted, a *false concord*, or a letter misplaced in the one, while we fancy the other has ever gotten a shoe-string loose, or his cravat awry ; that his hair is dishevelled, and his beard too long for decent company, although he has but just escaped, perhaps, the hands of the tonsor. Hence we think meanly of both : our future transactions partake of this feeling ; nor can we, when years have rolled away, account for our aversion for, or mean opinion of such men, in opposition to that of half the world besides.

Such, then, being the case as to first impressions, we would recommend that sort of dress and introductory demeanour, as would make no *strong* impressions of either sort ; whereby the matter or business talked of, will stand upon its own merits, and the scrutiny of the person and manner merge in the business transacted. Divested of peculiarities, he will thereafter cease to be an object of idle curiosity, nor the people with whom our Tradesman comes in contact, find occasion to cast about them, to consider whether they shall think him most an object to be dreaded, despised, laughed at, or admired. This is one reason why quakers and others who affect plainness, succeed so admirably in their negotiations. Peculiarities being thus avoided at the outset of life, success in Trade, conferred honours, nor the applause of the vulgar (the vulgar

great, or the vulgar little) ought to create them in the long run ; as the abrupt adoption of any such in a marked manner, would be likely thereafter to characterise the wearer through life, by means of some witty sneer from a cynical friend, or malignant remark of a concealed enemy.

8. There is nothing well-meant in the application, nor pleasant in the wearing, of a *nick name* or epithet, however mild or innocent that epithet may be. For instance, a very eminent brewer, is generally termed a “ bang up, or hearty little fellow,” because he was so denominated by one of the *evidence* before a select committee of the House of Commons : no *harm* is conveyed by the attribute, but there is a slight put upon the man, by applying *any epithet what ever*. Another gentleman was spoken of by the title of “ *my aunt*” a great number of years, by the clerks, travellers, warehousemen, and servants, of a certain large house that we have had occasion to mention before. Now, although he could not help his relationship to the *lady-governess* of the house, he ought certainly to have avoided the too frequent repetition of the word, which was afterwards to become his *cognomen* ; as did he who, being equally respectable, may still hear the juvenile and inconsiderate throughout the *Trade*, couple his name with “ *tit, tit, tit ;*” that being the silly way in which he chooses to deliver himself.

Furthermore, we know another, who having made a lucky hit of four or five thousand pounds, of late years, upon the rise of cotton wools, was next morning taken with a guttural pronunciation which is

likely to last to the *end of his days* ! In which sonorous way he is imitatively quoted, or addressed, throughout the Trade ; and, notwithstanding his good fortune, he rises no higher in respectable mention, than to be called “ Jack ;” or, in private life, “ the orator,” out of irony : at a tavern, or carousal, he attains to the appellation of “ Cicero.” He seems to enjoy those nickeries, as marks of distinction, which to a man of moderate feelings would be altogether intolerable ; and to one of *fine* feelings (if such an one be *in Trade*), would occasion desperation. But we correct ourselves ; neither of the latter would be found transgressing in the foolery of affectation like John Krap.

Adjuncts like these to the proper name, superinduce a too flippant familiarity in a Tradesman’s intercourse with society ; and the wearer wonders how it happens, that so small a portion of deference or respect falls to his share : while he deprecates his own abstract degradation, in this respect, he envies and miscalculates that which is bestowed upon others ; and, too late, he represses with acidity the approaches of his equals, or the impertinence of inferiors. This makes the evil not a whit the better, but the contrary.

9. Too much *suavity* of manners, it is true, originally encouraged this familiarity, but it is not therefore to be repressed by the direct contrary conduct, like cause and effect in *matter*. Our reader will recollect what we said farther back when treating on *the household*, to which let him once more refer (page 134) ; and if he has in early life neglected the advice which we there gave from actual ex-

perience, he will now pungently feel the evil effects of that neglect. What we then said, related to *domestic* management, 'tis true; but it is no less true than lamentable, that the evil now complained of, commences nine times out of ten within one's own threshold; therefore, let all masters of families look well betimes to their rule of life, before servants of either description.

On the other hand, too much haughty *asperity* creates a hornets' nest of foes; especially if some low-lived wag or other, turns any expression of the offender into ridicule: *arrogance* creates active enemies, as *superciliousness* does despication. Whenever an accident happens to persons of those dispositions, (or either of them) whether that be a broken leg or a broken fortune, bad health or a bad debt, there are not wanting people who turn these, nay, even conflagration, and death itself, into a jest, and make a ridicule of unavoidable misfortune. In adversity, such men derive no commiseration from the affection of former friends; they are received with contumely by whining flatterers and fawning sycophants, and treated with a thrilling pity by those they have cherished, protected, and reared up from their congenial dust. Nor, indeed, have they a right to expect better treatment: the best men experience no other. Such is the state of the hearts of the Trading part of our nation, (with very few exceptions;) for, whatever the self-complacency of some among us may say to the contrary, we are not in this respect a whit more generous than every other people.

The medium is here again the most advisable course of action in our intercourse with society, ge-

nerally speaking. But there are some Trades in which a certain degree of pomposity (approaching to superciliousness) is proper and necessary; and where indeed it naturally accrues from the exercise of them, arising from the frequent collision of interests in which they live and breathe who exercise them. These are principally attornies, and auctioneers, and in fact, all such as practise their business in the manner of agents, holding in hand, or transferring the property of others. Most of these are too much mannerists, and live ill as regards the social intercourse, which is highly blameable. Auctioneers, particularly, are for the greater part *ill-bred* men, (see above, page 306,) and until they learn better, become very amusing to a critical audience, when they have to sell sculptures, paintings, or books, all which require some previous education to perform moderately well, without exciting a laugh or a jeer with every fresh lot they may have to put up.

LIFE AND CONVERSATION.

10. That part of a Tradesman's life and conversation, which consists of intercourse had with others during the hours of relaxation, is of no mean consideration. On a Trade-journey, particularly, he will find an agreeable demeanour assist his interests materially. It smoothens the ruggedness of a long journey, by the suavity of manners, and the mutual accommodation which it re-produces: it opens the sources of information so necessary to a due appreciation of his customers' ability to pay, of their wants and peculiarities; from all which advantages the morose, the sullen, and the proud traveller, is

shut out, by the reaction of his own evil disposition. In like manner, he will find a conciliatory demeanour attractive of friendship at the tavern, the news-room, the library, or the smoking-room; and in Trade, it is desirable to attach to ones'self a portion of the neighbours' esteem in the moments of conviviality and mirth.

No evil can arise from the practice (simply speaking,) it is from the *over use* of the tavern that danger is to be apprehended. Habitual drunkenness was never engendered among Tradesmen, *who do not forget their calling*: it is when they assume to be something else than Tradesmen, no matter what, that they lay themselves open to sottishness for its own sake, and are lost.

In our social intercourse with the world, to be conciliating and kind, are the surest means of attracting the good opinion and the friendship of great numbers with whom we never exchanged a syllable. This good effect never shows itself so strongly, as upon occasion of a contest for civic honours, or parochial distinctions; the attaining to which belongs to the amiable weakness of some men, whom we may esteem and pity, but can never reverence or admire. But, when offices or appointments are sought after *for profit*, they then come directly within our purview, and we must not discommend the usual means of coming at the desired ends. Among these is not to be reckoned the practice of turning one's back upon *reduced Tradesmen*, or shabby neighbours, who are possessed of *strong minds*; men, whose active rancour, if injudiciously excited, is capable of working much mischief against the offenders. Yet no error is so universal as this; and some minor Tradesmen

commit themselves in it, even before they are clear of the world.

This kind of general favorable feeling towards a man, also alleviates many of the misfortunes to which every one is liable, and from one or other whereof, very few escape: imprisonment, conflagration, bankruptcy, calumnious reports, and even the charge of *crime*, whether political, moral, or merely statutable, that, although false, leave such bitterstings upon the feelings, and for the most part affect *character*, are often obtunded in their evil effects by the all-pervading antidote of every one's good word. As much may be said, each in its degree, of several other evils that attend, and are peculiar to, some Trades: as the revenue laws, which affect alike grocers, tobacconists, chandlers, tea-dealers, starch-makers, and tanners; as also, the law of libel, that overtakes so many book-publishers, and the prohibitory laws which affect hundreds of haberdashers. All those Traders are liable to infractions of the statutes, most of them are guilty of such offences in fact, and some are *entrapped* by base and interested informers to incur penalties, as we have seen proved elsewhere. (London Guide, pages 82-5)

Scarcely any thing wins over more friends in conversation, than freely giving in to the dogmas of others in matters of *mere opinion*. Disagree with him as to *matter of fact*, and the opinionative man draws himself up, bids his adversary wait the event, and is brief and sententious in his replies; but, treat in the same manner his opinion on an *abstract question* (of which he is himself scarcely confirmed in the belief,) and he defends his position, tooth and nail; becomes

angry that he cannot obtain credit for explaining satisfactorily a matter of which he hardly comprehends any one point clearly ; and he attributes his want of success in obtaining assent, to the perverseness of his auditor, imagines himself insulted, and acts accordingly. We are aware, that the course of ready assent we recommend is at total variance with the rules of *the schools*, which direct the pupil to “ refuse his assent to every proposition ;” but, as we are now forming Tradesmen, not *wranglers*, we repeat the injunction in other words—“ avoid discussion in matters of mere opinion, rather seeming to give into others’ dogmas, (always taking care not to compromise your own veraciousness,) and let the fools who insist upon maintaining erroneous opinions remain in them,” (another transgression of *the rules*)—for they never will become a bit wiser.

11. Finally, we may compress into an axiom, all that can be said concerning the epistolary art : it ought not only to bear resemblance to the life and conversation of a man, but it should be the exact image and transcript of both. We might illustrate this saying with the story of one who practised upon his own imagination, by addressing in words aloud, his inkstand, as the representative of the person to whom he was writing ; whilst another is said to have hung up his wig, *well dressed*, as fitly denoting such of his correspondents as wrote to him neatly and clearly, but who substituted in its place a dishevelled peruke, for careless and confused writers, whom he treated according to their deserts. The distinction was a good one, and the practice imitable. Plain-

ness and neatness of dress usually accompany the same descriptions of address ; their concomitant—a plain neat *style*, and a legible unadorned hand-writing, are generally found in the same person. We have known an entire family, who were noticeable for all four of those traits ; derived most probably from the father's example : which shews that the thing is to be taught or acquired. A close observer of mankind has said, he could guess at the character of a correspondent by his *hand-writing* ; and of his temper by the arrangement of his words, and the turn of his periods ; two things so far from improbable, that we may say with truth, where these cannot be so ascertained, the writer is an impostor.

CHAP. VII.

OF PARTNERSHIPS, ASSOCIATIONS, AND JOINT-STOCK COMPANIES.

1. THAN equal partnership in Trade, perhaps no other ground-work of extensive dealings could be laid, so likely to produce the desired success. For the double reason, that while one partner is looking after home, the other is equally interested in promoting the joint concern abroad ; and for the second, that double the capital, double the connections, and double the intelligence or knowledge, are hereby brought as it were to a *focus*. It usually follows, that whichever partner fails to *bring in* either of those three essentials to success, is bound to concede to his coadjutor a proportionate share of the profits. We have presumed upon equal attendance and assiduity, or the balance would be again destroyed, and require adjustment ; he who does not give any attendance whatever to promote the interests of the concern, is called a *sleeping partner*, and is deprived of so much share in *the proceeds* as is equivalent to payment for one half of his coadjutor's labours ; so the partner who engages tacitly to give his full exertions, but does not attend, is liable in common justice (though not by *law*) to an annual mulct proportioned to his neglectfulness : without meaning to

pun, he may be denominated a *sleepy* partner, who thus inertly and blameably enacts his part.

When one man finds all, or the far greater portion of capital, he is considered the *money partner*, and if he devotes his time to the concern, his name is usually placed the first in the firm; unless the name of his coadjutor is known to their correspondents and the world for some prizeable quality, or for producing an article of consumption which bears the name. Age sometimes, or descent at others, give this preference—as Whitbread (and Co.'s *intire*;) Child (and Co. *bankers*.) Day and Martin.

But no *rule* exists, or ever did, upon this head: these are the usual causes of the collocation of names every one sees daily, but which, however, are held in perfect indifference by a few, and are determined in some cases by *the dies*, or other chances.

Small differences in capital are charged upon the proceeds, as interest *pro tanto*, before striking the balance, and indeed are chargeable although the events of the year may have turned out a loss upon the whole. This mode of adjusting differences in capital by simple interest extends a great way, and in some cases comprises the whole extent of those differences. Thus, one man brings into a concern £4000, another £12,000; if both bring in an equal proportion of the two other essentials, *viz. connection* and *knowledge*, and both give equal attention to the concern, the question would be raised, whether part of the money of the larger capitalist might not be dispensed with? If so, he might put it out to *use* elsewhere, or buy into the public funds, until it should be wanted for his own. There is no question to

settle, when one party is a *young* man seeking for an introduction to the world of commerce; for then an equal sum would not entitle him to an equal share of the *profits*, nor any sum whatever to more than half. But in all those cases where young men bring in neither knowledge or connections, as is usually the case, where they join an already-established concern, they are allowed but a very small share of the profits, compared to the proportion of capital they cast into a concern.

2. Capital is too often taken as the criterion for apportioning the profits of a trade; and it may hold good in the banking business, but no other; in war time, when money is scarce, and every hour offers so much secure advantage to the employment of it, in large quantities, then does the holding large sums in hand afford good opportunities to any Trader of turning it to great profit. But, in ordinary times, a large capital, without the means of applying it, is an absolute load, which requires the active capacity, knowledge, and connections of a mature mind to keep it in motion. Without these, capital is useless. For example, if capital, and numbers, were the only means of insuring success, how comes it, that so many of those eighty-one joint-stocks of the bubble era, spoken of before (page 293) came to nothing? or, that the many feverish schemes of our nineteenth century, have every one failed to realize the promises of the projectors? Millions of money, or of names, were not wanting to support them; but incapacity and mismanagement, want of knowledge, and of something

besides, evinced the absolute inutility of capital so isolated and cut off from its co-essential principles, of action.

Still, capital is indispensable towards carrying into execution, the best laid plans of commercial speculation; the danger lies in assigning undue importance to the capitalist, and his money. One man's ALL is equally important to him as another man's all, when the amount is *large*, and he himself is actively engaged in the management thereof; and he who supplies but a *third* part, yet undertakes half the labour of managing the joint capital of £16,000, which we just now took as an example, is at least entitled to payment for the additional labour he bestows on the £8,000, being double the money brought in by him, and therefore is he entitled to half profits of the whole concern (lessened by interest). Any other view of the case would take for granted, that the £4,000 capitalist, was precluded by some sinister thing or other from borrowing so much in the market.

But borrowed capital, always liable to repayment, and ever subject to half-yearly interest, is far from desirable for a partnership concern of large pretensions; to say nothing of the careful doubts of the lender, the security being liable to pass into other hands, through the casualties of life, or of trade, and other unforeseen events, (consult pages 58, 175, and sequences. It hangs like a dead weight upon the concern, and the interest comes out of the very best sinews of the profits, without regard being had to the laceration it occasions; whereas the capitalist partner, looking always with discriminating pur-

view to the ultimate purpose of coming together, viz. the securing a retiring competency—will draw for money tenderly, or watch the seasons when he may, with least harm to the wants of trade, lay out money in superfluities, or even pay off floating debts that have no particular terms of settlement annexed to them: but he works his profits once more in-and-in to the capital or stock, and when at length he draws, it shall be for no more than the extra *profits upon the profits*, probably, which have accrued since his wants began; that is to say, by withholding to make his call until the capital has taken one more turn round, and being then chary of the amount, he only withdraws so much as hath been added by way of profit, *since the day* he was entitled to his call. This is a broad view of the effects of drawing moderately, upon an active trading concern of any description whatever; and every adaptation of the principle, however small, operates the same way, for so much as the amount may be, whether the sum be large or small. Whereas, *interest* must be paid on the very day it becomes due, and be prepared before that day, or the consequences may be fatal.

3. Those are the general pecuniary reasons for adopting partnerships; there are others conducive to the same measure, and replete with equal advantages in the personal assistance each partner derives from the other. Whatever is to be undertaken that upon a first view may be deemed advantageous to the joint concern, undergoes debate and examination before hand; its weak parts are discovered, and failure is provided against, or if found too crude it

is abandoned altogether. This kind of circumspection belongs more particularly to partnership concerns, and is mainly conducive to final success, as we maintained at the very commencement of this volume (section 6). The *equally deep* interest both have in coming to a just conclusion respecting every proposal for extending Trade, will lead each to be free and open, concealing no thought upon the subject. Candour, and emulative energy, invariably mark the conduct of young men upon such occasions, and both qualities remarkably outstrip the understanding; which seems to be carried away by the fervour of the moment, unless the precautions we laid down in the section just alluded to are rigidly adopted.

But, if those two desirable qualities are thus liable, in matters of detail, to run away with the understanding, so ought not the over-action of this great faculty (then called *cunning* and *deceit*), to mark the outset in life of partners in Trade; as is too often practised in respect of one or the other essentials, but principally as regards *capital*. An evil which we are willing to believe does not reach very high in the scale of respectability (indeed, how can it?) though we remember a very striking, but solitary, instance, in the case of Boyd, Benfield, and Co.; wherein the latter, a nabob, represented his having in India, "a few lacs' of assets," more than could be discovered in the hour of need. Whenever such deceit is practised, no peace or happiness can attend the union, prosperity vanishes at the sound, and the partnership is virtually annulled: a bill in Chancery,

and its attendant evil, commercial disgrace, follow.
Desunt cætera.

In cases of borrowed capital, by either partner, it behoves his coadjutor to take care this be done *properly*, as we stated higher up (page 58); otherwise the adverse occurrences there foreshown, although they cannot affect the *property* of the other partner, may yet entangle the credit of the concern, and dissolve the connection, as matter of course. For, when a man's partner has lost his *credit*, he has lost that which is equal, if not superior, to capital. We shewed this in our *first* chapter, section 14; but *Adam Smith* says not a word of the value of credit, in his work, though he reckons ability, "acquired useful ability," as a part of the *fixed* capital of trade. This *ability* was called something else in the last section, and we strenuously insist, that *connection* is also a part of fixed capital.

4. Partnership has been likened to marriage, and the likeness holds good in many respects: if the lady represents herself to be entitled to more property (capital) than ultimately turns out to be the case, she has no right to complain of neglect, or to make a riot (or law-suit) about ill usage. Temper and disposition too, are of some weight in both kinds of union: as there is no propriety in both parties being possessed by the same temperament, to make a happy marriage, so in the partnerships of commercial pursuits, is there no prime necessity for both men to entertain the same views of things *in detail*; so that they agree on the outline, enough

is accomplished to preserve the peace, and in the tendency of their minds to provoke discussion, we can see nothing but advantage, safety, and profit. Here the similarity ends ; for, between man and wife there is no discussion, no different views of the same thing ; they being one. Whereas, in Trade, the two persons must take their views of things that equally, or so nearly concern them, from different eminences : one may be a philosopher, and argue metaphysically, the other a common-sense man, and draw conclusions from facts ; when both agree, their opinions may be said to *dove-tail*, according to carpentry, but when they disagree, it is a *bad job*.

Retail Trades, and small businesses, do not admit of partnerships, inasmuch as the persons engaged, could not be sufficiently occupied apart. It is only when a Trade expands beyond the powers of a single man, that he calls in assistance ; or, that extended demands for his goods require that he should add more capital. It may even be said, that no Trade upon an extensive scale, is ever commenced by a single person, with the chances of success in his favour ; but he who at length carries on Trade with ports or towns at a distance, and the attendance of a principal is required on 'Change, at sales, in the country, upon shipments, or in making purchases, or in pushing the vent,—as well as at home, then some other person must be associated, if for no other reason than to *act the part* of a principal, upon some one or other of those occasions. This last person then assumes the reins of management, usually under the vague term of "Company," or "Co.," at an advanced salary probably, or a *per centage* upon the

business done, or he receives a *modicum* out of the profits, as may be agreed upon : they are also termed *junior* partners, not so much as regards the age of the person, as indicative of his *standing* in the firm, or coparceny.

In the *inland* Trade, when it extends to many towns, and the purchasers require to be visited periodically, partnership is indispensable to those who may be engaged in it, primarily with respect to personal help, as we have shewn at page 73 ; a capital in money, being found therein but a secondary consideration ; that which consisted in activity, connection, credit, and ability, having proved equal to every other. Some young men again seek for partnership for its own sake, as the medium of introduction to the trading world ; and for which they are content to pay a premium in one way or other, when their views are attracted to the mercantile order of Trade. No means are so fit, nor more usual than this kind of second servitude, if we may call it so, to form the finished merchant ; for these juniors invariably take upon them the labouring part of the correspondence, and personal negotiations, for a given number of years. So that, when such an one retires to form a separate establishment, he does so in full possession of the three essentials, *viz.* acquired ability, connections, and money, which constitute his *capital*.* He in turn takes a partner,

* A circular letter usually announces this kind of commencement, stating the new merchant to have come " from such or such a house," or " formerly of the old firm of &c."

probably of his own age and standing, and extends his example and his instructions to the rising generation.*

† A residence abroad, we may here add, is the common probation of a young merchant at this day, as the appointment to be a *supercargo* was formerly, in the infancy of commerce, i. e. the 14th and 15th centuries. Down to a very recent period, it was the practice to send our youths, the sons of merchants and others, to learn of foreigners the art of conducting mercantile transactions; and at Hamburgh and Amsterdam great numbers of counting house schools were set up, at which our English youths boarded, and paid a hundred pounds a year at least, for instruction only. Some of them, as well as those who at a later period were taught at home, towards the termination of their apprenticeship, now called "articles" (from the first word of the indenture, as we might call it, which begins with "Articles of agreement made between &c.") went to reside two or three years generally at the ports which lie from the S. W. to the S. E. as Lisbon, Cadiz, Bourdeaux, St. Malo, Oporto, Barcelona, Leghorn, Venice, Naples, &c. Some few sojourned inland, as Valentia, Paris, Rome, and others at Frankfort, Dantzic, &c. *Ho-elli Epistolæ*; Macpherson's Annals, *passim*.

Basil Montagu, Esq., Barrister, has published "A Digest of the Law of Partnerships, with Cases argued and decided in the Courts of Law. 2 vols. 8vo. price £1. 11s. 6d. 1815." If a Tradesman is engaged in a partnership controversy, he may read the first volume and turn to the *cases in point* that are contained in the second, with some profit. He appears to have been indebted for his plan to the work of Counsellor Watson, which had much merit.

CHAP. VIII.

WRITERS ON THE SUBJECT OF TRADE AND COMMERCE.

1. *Dubost (Ch.) Elements of Commerce; a Treatise, with numerous examples, on Exchanges and Commercial Calculations. 2nd. Edit. 1 vol. 8vo. 562 pages. 1818.*

With the *preface* of Mr. Dubost, we had a quarrel at its first appearance: the first page is silly, and that part of it which he terms *an exposition* of the plan, is an inflated floundering about him, on all the *topics* of his work, and on all other things, about which he happened to know *a little*. No one would expect to find so excellent a work behind sixteen pages of such stuff. Utility, accuracy, and intelligence, are visible in every page; and the second quality is of no small value in books of figures. But the author could not well fail in producing an useful and valuable work, with the model before him of *Thomas's British Negotiator*; to say nothing of the works of Ricard (a Dutchman), Girandeau (a Frenchman), Marien (a Spaniard), and Kruse (of Hamburg), to all of whom he had access. This edition is indebted to Mr. Horberow, author of the next article, for some improvements and necessary alterations; and the book is now a complete index to the weights and measures of every place of importance, nearly 200 in number.

2. *Universal Commerce; or the Commerce of 170 Places, in all parts of the World. 8vo. 326 pages. 1818.*

In addition to the monies, weights, and measures as given in the last article, Mr. H. here describes each place, and gives a list of its imports and exports. The courses of exchange also, and operations upon them, are laid down essentially the same as in that

work. Some *pro forma* sales at the end give us the discriminative charges upon each kind of goods, the accuracy whereof appears upon the face of them. The next head "Duties and Drawbacks payable at London," is too short to be generally useful.

3. *Kelly (Michael, LL.D.)* The Universal Cambist, translated from the German. 2 vols. 4to.

A very elaborate work, that no one would require who has the more portable volume of Dubost, which has besides the recommendation of being more recent, and at one fourth the expense.

4. *Bewicke's* Tables of Exchanges.

A very great volume, in quarto, labours under the same objections as Dr. Kelly's book, *i. e.* age and expensiveness.

5. *Anderson (Adam)* A Chronological Deduction of the origin of Commerce, from the earliest Times, with a particular View to the interests of the British Empire. 2 vols. folio, 1222 pages. 1764.

Whatever may be said against the book of old Anderson, he has shewn a great deal of industry in collecting his materials from the earliest dawn of British Commerce to the hour of publication, though he was somewhat meagre in his accounts of the commerce of the ancients. The truth is, they had little worth recording, and that little he slighted. He made free use of the *Fœdera*, recently published by Rymer: and we may conclude that the new collection now printing by order of Parliament, will confer new information concerning the origin of commerce. A new edition of Anderson's work, by Walter, was printed, with additions, in 1789-90, 4 vols. 4to., but soon fell into disrepute. This circumstance, it seems, gave rise to the compilation of the next article.

6. *Macpherson (David)* Annals of Commerce, Manufactures, Fishing, and Navigation, with brief notices of the Arts; together with the Commercial Transactions of the British Empire, and other Countries, from the earliest accounts to the year 1801. 4 vols. 4to. 1805.

Very laborious, and most authentic, this author gives his authorities for every fact; on which account, if for no other, the book is a very desirable addition to the library of every mercantile man of

cultivated mind. Every other may also read the work with profit and pleasure.

6. *Oddy (J. Jepson)* European commerce ; shewing new and secure channels of Trade with the Continent of Europe. 4to. 666 pages. 1805.

Well adapted to the period in which he wrote, the author's opinions and researches, are admirably calculated for the state of exclusion in which British commerce will find itself whenever French domination is again felt on the shores of the Elbe, the Rhine, and the Oder. His manner is too brief, leaving a great deal to be understood by the reader, nor are his arguments ever pushed to conclusion : he gives one too much reason to desire more information, —or that we had less.

7. *Keegan (G.)* le négotient universel ; ou recueil de lettres originales de commerce, écrites par les meilleures maisons de toutes les états de l'europe ; avec une table des termes usités dans le négoce. 7th edit. 252 pages 12mo.

8. *Keegan's* british merchant : a translation of the foregoing, with an appendix of forms, operations of exchanges, &c. 12mo. 2nd edit. 416 pages.

Nearly the whole of these letters, are said to have actually passed in mercantile negociations, at least such was our impression upon their first appearance ; it follows, that the remainder were made for the occasion, and are consequently those which appear stiff and unnatural. For example, an Englishman writing to one of his own countrymen, though in France, would not be likely to write in *French* ; least of all would he, if resident at Gibraltar (page 49) or any other British possession. Notwithstanding, the book is a very useful manual for young people, nor is it to be despised by the older ones. Indeed, the author's French is better than his English, though he invariably abbreviates certain words, as *cte.* for *compte*, and *cne.* for *compagnie*. He also seems to have precipitated upon us an over-abundance of phrases ; so much so, that he has made a third book out of the first, in which these are again rendered into English, under the title of *Commercial Phraseology*.

9. *Hodgkins (E.)* Series of mercantile letters, with weights, measures and monies, reduced into

English, and an explanation of exchanges. 12mo. 296 pages, 1815.

A very sensible volume; and written much in character; for instance, a letter from Rio, speaks of the altered politics of Portugal (page 253); one from St. Ubes, treats of salt (at page 105); a lawsuit occupies that from Bourdeaux (at page 200); and that from Dublin (at page 273), makes a blunder of 2s. in deducting 88s. from 92s. But this is not all: the same character extends to more useful matters, and while teaching the *art epistolary*, also throws some light on the manners and customs of the several places.

10. *Williams (John)* Laws of Trade and Commerce; designed as a book of reference in mercantile transactions. 8vo. 592 pages, 1812.

A goodly understandable book, which should be in the hands of all intelligent mercantile men. Much research, and many authorities to support his hypothesis, induced us formerly to think more favourably of his labours than upon re-examination Mr. W. is entitled to: in his fondness of Adam Smith, he has quoted the doctor (at page 33,) nonsensically, as making a distinction without a difference, between capital employed in the *home trade*, and in the *home trade of consumption*. But he is not the only good common sense man, who has been led astray by philosophy without sound sense, and the reveries contained in Smith's *Wealth of Nations*.

10. *Malynes (Gerard)* *Lex Mercatoria*. 1 vol. folio, 3rd edit. 1686.

He is remarkable for being the first who collected what he calls the *law-merchant*, for the affectation of learning he threw over his performances, and he deserves notice as having been a sycophant of King James I.

11. *Beawes's (W.)* *Lex Mercatoria rediviva*. 5th edition.

It maintained its character, until the alterations made in the laws regarding Trade, having been neglected by its editor, it fell into deserved disrepute. After a lapse of thirty years, appeared upon the same plan

12. *Chitty (Joseph)* *Lex Mercatoria*. 6th edit. 2 vols. 4to. 1300 pages. 1812.

A new edition of the preceding work, but rendered impractica-

ble to the merely mercantile man, by reason of too much law being introduced, and it has been neglected, though a work of very great merit.

12. *Kauffman*, (C. H.) Dictionary of Merchandize, for the use of Counting-houses, &c. The history, places of growth, culture, use, and marks of excellency, of such natural productions as form articles of commerce. 4th edition, 8vo. 444 pages. 1815.

A very excellent book of reference, for the objects set forth in the title. It is necessarily short in its notices; and a few errors, common to every work of the kind, are discoverable. On the article 'Potashes,' the author is unhappy in having copied a *note* erroneously from the *Encyclopædia Britannica*, and recommended as the *best* woods, two or three which are the *worst*: the *process* of making too, is full of blunders. On the other hand, his description of the growth and manufacture of Barilla and Kelp, are well executed; and led him probably to omit mentioning the lixiviation of wood ashes, which is necessary to extract the salt. The articles Turpentine and Sassafras, are particularly well done.

13. *Postlethwayt's* (Malachy) Universal Dictionary of Trade and Commerce; including every thing that is contained in Savary, and others, on the Law of Trade and Navigation relating to these Kingdoms, and the Customs and Usages to which all Tradesmen are subject. 4th edition, 2 vols. folio. 1774.

Old Malachy Postlethwayt, (once a most respectable name and worthy man) has fallen into disrepute with time; but his Dictionary is still a monument of industry, although the plan was borrowed from that of the "*Grand Dictionnaire de Commerce*," by a French *Abbe*, but whose nation he vilifies in every page, according to the taste of the times in which he lived.

14. *Clarke* (S.) and *Williams* (John) Cyclopædia of Commerce; a *code* of commercial law, practice, customs, and impositions; with an analysis of customs and excise laws. 4to. about 800 pages. 1819.

15. *Dickinson* (William) and *several others*—A General Commercial Dictionary of Manufactures, Trade, Navigation, and Agriculture. With an Abstract of the Laws of Commerce. Svo. about 1200 pages. 1819.

16. *Anderson's* (William) Commercial Dictionary, and Sea-port Gazetteer. Svo. 950 pages. 1819.

The 14th, 15th, and 16th articles, it may be seen, are cotemporaneous, all seeking for the public favour, and soliciting notice by their pretensions to superiority. Of these, the 15th was first published twelve years before, under the name of *Mortimer*, but was actually the labour of another author (see article 2,) who bestowed several years of considerable talent upon the compilation; and it appears by the concurrent testimony of public esteem, and the voice of good judges, to have been an useful and accurate work. While this new edition was in preparation, the demand for the old one was so intense, as to induce other similar undertakings: the copy, under the assumed name of Anderson, appeared, and obtained preference as to time; the other copy promises to be more elaborate, but does not in fact contain so much letter as its prototype: both copy from *Mortimer's* Old Edition, (so called) in the articles of commerce, even to error, although we have seen, some articles were to be found better done in *Kauffman*. Laws, duties, and customs, seem to have absorbed a good deal of the attention of the *three* editors, who were all lawyers, to the exclusion of more appropriately commercial matter. *Mortimer's* (alias *Dickinson*) Dictionary, however, retains the several names of articles of commerce, as given by the different nations of Europe, &c. an improvement introduced by Mr. *Horberow*, its former editor, but not to be found in one of the copyists, and but imperfectly in the other.

17. *Smith's* (Adam, L.L.D.) An Inquiry into the Wealth of Nations. 2 vols. 4to. 1776; and 3 vols. 8vo. 1819.

Whatever man affects to under-value the great degree of celebrity to which the work of A. Smith once attained, can have no taste for the finer and more subtle beauties of composition. Early in life we took it up under the expectation of meeting with the lead-

ing principles of commerce laid down in clear and precise terms ; the minor parts spreading out and unfolding, until they lost themselves in the very fritter and endless conclusions of self-propositions. We were disappointed in those expectations, but met with fascination of another sort, which we little expected ; and it was not until the other day, when our duty called upon us to pass a just verdict on the *work of years*, that we perceive the real cause that led us on, in common with all other readers of the *Wealth of Nations*, to the middle of the volume, more amused by the author's ingenuity, than pleased with the profoundness of his research, or the happiness of his *inquiries*. This cause of our pleasure, we found to consist in the neat harmonious periods of the author, and a pretty elegant flowing diction, which evinces the desire of pleasing, and therefore does please while we lose sight of the subject. Dr. Smith proves to us irrefragably this his desire to please, and consequently his wish to be read, by choosing to treat the most pleasing parts of his subjects in the commencement (one of the secrets of composition,) to the utter disorder of all the rest.

After the lapse of many years, and at the very close of our own labours, we open the *Wealth of Nations* to account for, if we can, the very great degree of favour it has experienced ; and we find the real cause in the rhetorical merits of the book. His language, which is always perspicuous and is elegantly neat, forcible, considering how egregiously he disorders his arguments occasionally, by inverting the sense when he misunderstands his subject ; his rich mode of illustrating a subject which is otherwise dry, is both beautiful and pertinent : this gives to his statements of facts the air of an author who had seen all with his own eyes, trusting nothing to those of others. Whereas, underneath this film, we perceive he labours as hard to explain the commonest propositions in trade, as he does those which are deemed by us the most complex. To those rhetorical causes may be chiefly attributed, the great degree of favour the book of Dr. Smith has attracted, for half a century, although for more than one half that time labouring under a confessed misarrangement : another external cause gave it an impetus at its first appearance, of which more shortly. Still, to the subtleties of his style, and this artful misarrangement, must be ascribed the primal success of the *Inquiry*. That the author was a first-rate artist in grammatical construction the reader may prove, upon turning to the wily directions given for the formation of style

in Blair's Lectures, (the 18th.) which turns out to have been written by Smith.

But, notwithstanding this captivation of his *manner*, his *matter* has so little real point in it, that we feel at this day considerable disgust at the inaptitude of some of his elucidations, and too soon find the pleasures of his style which first captivated our fancy fade away, if they do not pall upon the taste. Scarcely a person in trade is to be found who has waded through the second volume; and we ourselves, in our anxious inquiries among vast numbers of studious men, as to "what they thought of Smith's *Wealth of Nations*?" do not find one who has given him a *thorough reading*, though all have skimmed over a chapter and laid him down again, with more of reverence than admiration. Some one remarked, and many gave it their assent, that the metropolis of the British empire does not hold three men in Trade, who have studied Dr. Smith's book on the subject of their art. We may then, without the fear of contradiction, say, the celebrity of Dr. Smith's book rests on something else than his knowledge of the various interests of Trade: we assign it to the *fashion* which was very early vamped up in its favour, in consequence of the Doctor's fine book concerning *Moral Sentiments*; to the *auspices* under which the book first appeared, *i. e.* (among others) to the *critical auspices*, or arcana of publication influence, since uncurtained to the salacious eyes of the envious, the disappointed and the bespattered authors who have been circled in its embraces, and either cherished to precocious maturity, or rasped to the quick by the jagged tongue of the envenomed serpent.

So little was he relished or admired where this influence did not extend, that a *French translation* of the *Wealth of Nations* did not appear until twenty-six years after its first publication; and then his translator M. Garnier completely overturned the misarrangement of his author, and placed the chapters in the order in which *they ought to have been treated*, and takes no small credit to himself for having thus restored the *lucidus ordo*. About that time, Dr. Griffiths having taken leisure to cool over his former wanton panegyrics, allowed the necessity of this new arrangement: "No doubt," says he, in the *Monthly Review*, 1802, "had this course been followed by Smith, his book would have been read with more interest, and his doctrines would have been more easily *apprehended*." *Comprehended*, the critic means, though we doubt the

fact; nor believe we that the transmutation of his doctrines will ever render them comprehensible, nor any annotator make intelligible the beautiful obscurities of the "Wealth of Nations." Playfair, and Garnier, and Say, have thrown no new light over the matter. The confession of the reviewer of Garnier's edition, candidly allows that Smith was not to be understood, and the disuse which that editor's *arrangement* and introduction has fallen into in England, shews that even his improvements have not succeeded. Mr. W. Playfair's edition is generally scouted as having achieved nothing for his author; and he is supposed to have rendered his original still more unintelligible. In fact, nothing will have the power to rescue Smith from obscurity.

The reader will perceive what we said concerning credit in the early part of this volume (sect. 14, &c.); but if he asks the usual question, as to "what Adam Smith says upon the subject?" we can give him the usual answer, "nothing at all to the purpose." He does not mention the word; although he allows such things as, improvement made in lands, and acquired useful *abilities*, among the particles of fixed capital. But *credit*, whereby goods may be obtained, nor *connection*, whereby goods are disposed of again, and profits are made, are reckoned by him in any way whatever. A man whose credit stands good for any large sum, say £50,000, may transact as much business, as he who starts in trade with that sum; and in many points of view (as we have shewn) the possession of credit is preferable to the possession of the money. The mistakes in his statements, and the blunderous deductions he makes from them, do not appear to us to have arisen from any wish to combat old opinions, or to correct the errors of his predecessors; but Dr. Smith stands before us a good kind of weak sort of man, who makes assertions from the misinformation of others, and at other times is led away by his own reveries, to form conclusions that are nowise borne out by the facts. He says, ungraciously enough, "wages in *Great Britain* are higher than is barely necessary;" meaning, by what follows, that "barely necessary wages are enough" for the workman. The whole passage concerning *wages*, is worth looking at for the self-confutation it contains. To this we may venture to add, from our own *personal* and intimate *acquaintance* with the manufacturers of Glasgow (whence Dr. Smith drew his information, and whence he sucked in his prejudices,) that no Traders in this kingdom enter-

tain more mistaken notions, or less humane sentiments, regarding the price of labour, and the claims of the labourers, than they do, and have done for a great many years.

Concerning *profits*, he is most erroneous: we shall not enter upon a formal refutation of his laboured puerilities on this main-spring of Trade. He says, "no certain knowledge of their average can be obtained." [See what we have said on *regular* profits, and deviations from them, at pages 61, 78, 80, &c.] He goes on, "The best idea of them may be formed from the state (*rate?*) of interest; which will be in proportion to the profits to be made from the borrowed stock; and may probably be reckoned to be one half of the profits; it being a *general remark* that double interest is *moderate* or *usual profit*." Not a practical Trader exists, who can not disprove the truth of this tergiverse passage; which would reduce the profit of buy-and-sell trades to about *nine per cent. per annum*, that being double interest at this day; while no more is allowed by his estimate to the merchant or the manufacturer.

We apprehend we have said enough to prove satisfactorily, that Adam Smith's "Inquiry into what constitutes the Wealth of Nations," (for this is its real title) has been estimated too highly; that that is a false notion which is set up of its being read by Traders, or any others (except the *Board* of Trade, and a few fine gentlemen); and therefore, that the writings of this author have not done, because they cannot do, any good service towards the formation of a just theoretico-political-economist. As to the real practical good that can arise to any man whatever in Trade, from the perusal of the Inquiry, that is quite out of the question: it was never imagined.

18. *Williams* (T.) Every Man his own Lawyer; or a Complete Law Library: containing the laws affecting the ordinary occurrences of Life. With an Appendix of useful *forms*, stamp-duties, law terms, &c. 2nd edition, 8vo. 596 pages. 1818.

Every man's business, and every day's occurrences are here placed in a plain and perspicuous manner. The forms at the end, will enable the reader to draw up those ordinary papers which are competent to every man, as memorandums of agreement, as to leases, wills, bonds, &c. and among the rest, we find at page 512,

the much-required memorandum between a sinking man and his creditors, to which we adverted at our page 205. The statutes are copiously referred to, and with much accuracy, the law cases are quoted as to disputed points.

19. *Tate's Calculations of Commerce, &c.* 2 vols. 8vo. 1819. *now publishing.*

Every book of figures should possess the prime recommendation of typography—accuracy; otherwise, like false guides, they lead inquirers astray exactly in proportion to the reliance placed upon them. We do not deny the meed of praise on this score belongs to these Calculations, but they are entitled to no claims on the score of originality, being mostly selections: the brief accounts of some public establishments, though sufficiently long, are not therefore complete. The parade which attended the publication of the work under review, led us to expect something more useful than it really is; and expectations which are raised but not realized, generally turn about upon the head of the offender.

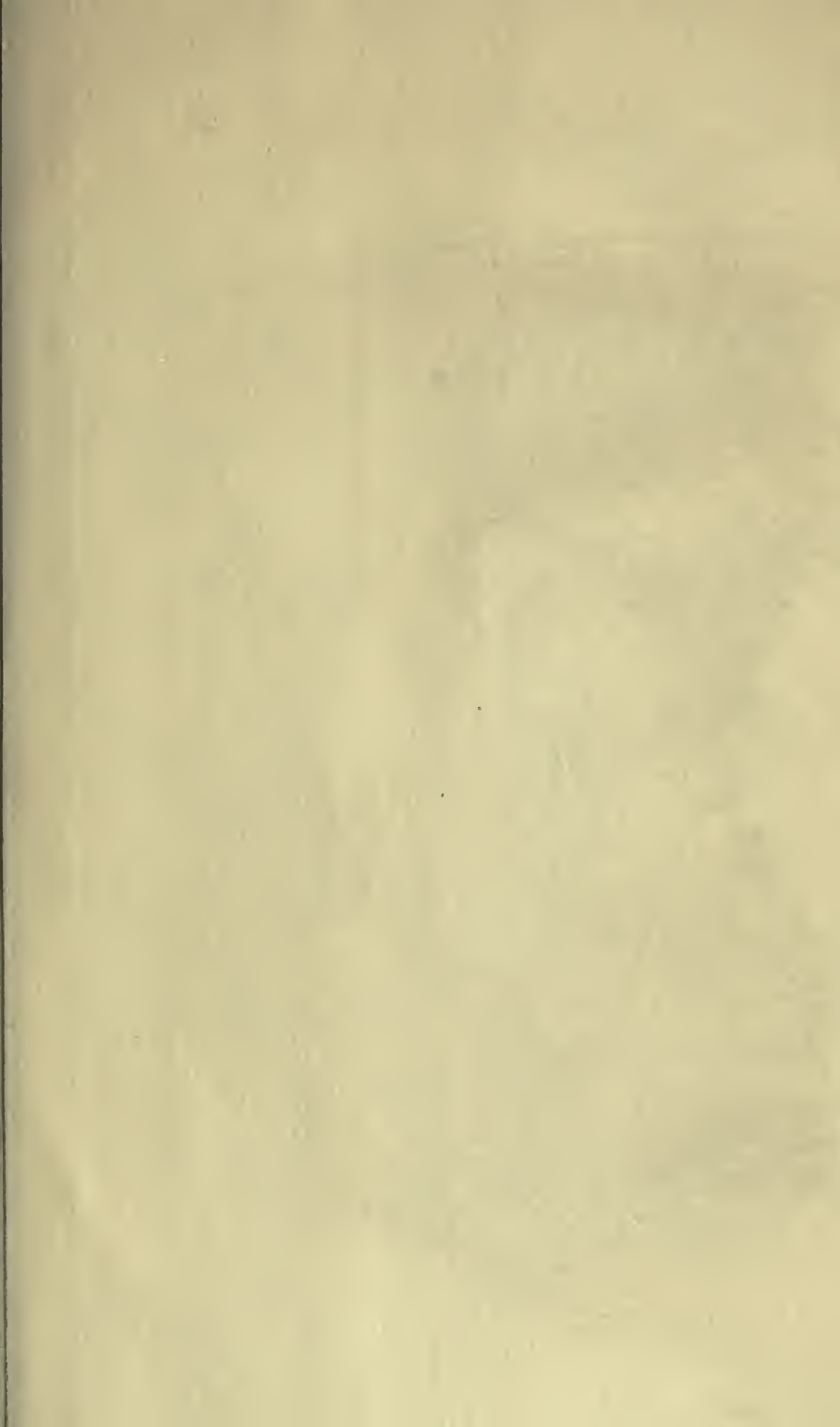
20. *Chitty's (J.) Treatise on the Law of Bills of Exchange, &c. &c.* 1 large volume. 8vo. 1818.

A very complete book for a lawyer; but, for a Tradesman, the great accumulation of opinions and cases here cited, that may bewilder and mislead him, is rather a disadvantage as to object of his immediate investigation, and as tending in the long run to infuse improper notions into the reader's mind of his great acquirements in legal information, little compatible with the sober pursuits of Trade.

21. *Rördansz's (C. W.) European Commerce; or a Complete Mercantile Guide to the Continent of Europe.* 8vo. 730 pages. 1818.

This work treats of the mode of conducting Trade at all the principal places, their port and town regulations, *tariffs*, peculiar methods of buying and selling, and public regulations, together with the usual, and so often repeated tables of weights, monies, &c. His task is well performed, and the *methods* are plainly told, thanks to his editor.

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